

09:09:11

1 UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF WEST VIRGINIA
 3 AT CLARKSBURG
 - - -

4 CHRISTY J. RHOADES, in her CIVIL ACTION NO. 1:18-CV-186
 5 capacity as the Administratrix
 6 and Personal Representative of
 the estate of Philip Jontz
 Rhoades,

7 Plaintiff,

8 V.

9 DAVID FORSYTH, in his official
 10 and individual capacity,

11 Defendant.
 - - -

12 Proceedings had in the Jury Trial of the above-styled
 13 action on Thursday, April 8, 2021, before the Honorable Judge
 Thomas S. Klee, District Judge, at Clarksburg, West Virginia.
 - - -

14 APPEARANCES:

15 For the Plaintiff:

Ryan J. Umina
 Umina Legal, PLLC
 125 Greenbag Road
 Morgantown, WV 26501

17 Travis Austin Prince
 18 Benjamin J. Hogan
 Bailey & Glasser, LLP - Morgantown
 19 6 Canyon Rd., Suite 200
 Morgantown, WV 26508

20
 21 For the Defendant:

Tiffany R. Durst
 Nathan A. Carroll
 Pullin Fowler Flanagan Brown & Poe
 PLLC - Morgantown
 23 2414 Cranberry Sq.
 Morgantown, WV 26508

24
 25 Proceedings recorded utilizing realtime translation.
 Transcript produced by computer-aided transcription.

1 INDEX.

2 WITNESS: RICK RHOADES

3 Direct Examination by Mr. Umina.....404

4 Cross-Examination by Mr. Carroll.....414

5 Redirect Examination by Mr. Umina.....416

6

7 WITNESS: CHRISTY J. RHOADS

8 Direct Examination by Mr. Umina.....418

9 Cross-Examination by Mr. Carroll.....423

10 Redirect Examination by Mr. Umina.....435

11

12 WITNESS: DENNIS ROOT

13 Direct Examination by Mr. Umina.....439

14 Cross-Examination by Mr. Durst.....513

15 Redirect Examination by Mr. Umina.....589

16 Recross-Examination by Ms. Durst.....594

17 Further Redirect Examination by Mr. Umina.....596

18 Further Recross-Examination by Ms. Durst.....597

19

20

21

22

23

24

25

1 (Proceedings commenced at 9:32 a.m., in open court.)

09:37:01 2 THE COURT: Good morning, everyone. Good to see you.

09:37:04 3 All right. We are reconvened on day three of trial in the

09:37:06 4 matter of Rhoades vs. Forsyth, 1:18-CV-186. I know the plan

09:37:14 5 we discussed, counsel, at the end of the day yesterday, was

09:37:18 6 that Mr. Parker, pending the Court's ruling on the objection

09:37:22 7 to his testimony, and then Mr. Rhoades.

09:37:25 8 Is that where we are at still?

09:37:26 9 MR. UMINA: Your Honor, we tend to agree with the

09:37:31 10 Court based on the law that we found, so we are not going to

09:37:34 11 call Mr. Parker.

09:37:36 12 THE COURT: All right. Well, we will skip Mr.

09:37:38 13 Parker. It's always nice to be validated here on the bench.

09:37:42 14 Okay. He is not here; is that correct?

09:37:44 15 MR. UMINA: He is. I told him he didn't have to be,

09:37:46 16 but he came up anyway. We will let him know.

09:37:48 17 THE COURT: Okay. If we could let him know that his

09:37:51 18 presence here is not necessary. So the next witness we are

09:38:13 19 going to hear from is Mr. Rhoades; is that correct?

09:38:16 20 MR. UMINA: Yes, Your Honor.

09:38:16 21 THE COURT: Before we have the jury come in and do

09:38:19 22 that, anything we need to take up from plaintiff's

09:38:21 23 perspective?

09:38:23 24 MR. UMINA: Your Honor, in terms of our second

09:38:28 25 witness today, I just wanted to address again, kind of a topic

1 area to make sure we don't go down that road or defense
2 counsel doesn't. And there was some talk about him when he
3 was younger --

4 THE COURT: Who?

5 MR. UMINA: About Mr. Philip Rhoades, when he was
6 younger and specifically they were talking about high school
7 because, you know, he left school early and went and started
8 work in construction. And I am not sure if defense counsel
9 intends to go down that road. We're not making a claim for
10 economic damages, so we don't want it brought up, anything in
11 the subject matter of, you know, him leaving high school early
12 or anything like that. We think it's totally irrelevant to
13 this. We are not claiming economic damages.

14 And, you know, there was one specific question in Ms.
15 Rhoades's deposition, "And you now why he quit school?"

16 I'm not real sure. He just didn't like to be told what
17 to do." We don't want that taken out of context and then try
18 to be used in this and then we have to explain the context of
19 that. I just want to get out ahead of that and address it
20 here before the jury comes in.

21 THE COURT: Are we going down that road, Ms. Durst,
22 Mr. Carroll?

23 MS. DURST: I will be conducting Ms. Rhoades's
24 questions. I have no intention of asking any questions in
25 that record at all.

09:39:44 1 THE COURT: Understood. Sounds like a non-issue.

09:39:45 2 MR. UMINA: Okay. Great.

09:39:47 3 THE COURT: I appreciate you bringing it up.

09:39:47 4 Anything else, Mr. Umina?

09:39:48 5 MR. UMINA: No, nothing from us, Your Honor.

09:39:50 6 THE COURT: Ms. Durst, anything else before we bring
09:39:53 7 our jury back in?

09:39:54 8 MR. CARROLL: Nothing, Your Honor.

09:39:56 9 THE COURT: Thank you. Sir, can we have our jury
09:39:57 10 then, please?

09:39:58 11 (Jury entered the courtroom, and the following transpired
09:40:00 12 in open court.)

09:40:59 13 THE COURT: Thank you, ladies and gentlemen. Good
09:41:01 14 morning everyone. Thank you again for being here. We
09:41:04 15 appreciate, again, your patience with us and your continued
09:41:08 16 service. We are ready to proceed at this point.

09:41:11 17 Mr. Umina, you may call your next witness.

09:41:13 18 MR. UMINA: Plaintiff calls Mr. Rick Rhoades.

09:41:22 19 RICK RHOADES, PLAINTIFF'S WITNESS, SWORN

09:42:10 20 THE COURT: Mr. Rhoades, if you wouldn't mind
09:42:13 21 stepping forward.

09:42:33 22 Mr. Rhoades, sir, if you wouldn't mind stepping
09:42:35 23 forward and pausing here before Madam Clerk so she can swear
09:42:40 24 you in. Thank you.

09:44:48 25 Mr. Rhoades, can you hear me okay, sir? Mr. Rhoades,

09:44:59 1 can you hear me?

09:44:59 2 (Off the record due to technical issues with
09:44:59 3 hearing-assist device.)

09:46:03 4 DIRECT EXAMINATION

09:46:03 5 BY MR. UMINA

09:46:03 6 Q. Mr. Rhoades, can you please introduce yourself to the
09:46:05 7 jury.

09:46:06 8 A. My name is Rick Rhoades. I live in Wyatt, West Virginia.

09:46:12 9 Q. And Rick, are you still working, retired? What do you do
09:46:18 10 for a living?

09:46:20 11 A. They aren't working again.

09:46:23 12 Q. How is that? How is that? How about now?

09:46:41 13 A. Now they are working again.

09:46:43 14 Q. Can you hear that?

09:46:52 15 THE COURT: I assume we have run through all of our
09:46:56 16 headsets at this point?

09:46:58 17 Try again, Mr. Umina.

09:47:02 18 A. It will quit in a minute.

09:47:03 19 Q. Okay. Well, we will do the best that we can. And if you
09:47:07 20 can't hear my question, just raise your hand.

09:47:16 21 A. Now I can hear again.

09:47:17 22 Q. All right. Rick, why don't we just start off, you know,
09:47:23 23 with you raising your son. Rick, where were you at 32 years
09:47:27 24 ago yesterday?

09:47:29 25 A. It's not working again. It's got a short in it.

09:47:37 1 Q. How about now?

09:47:38 2 A. I can hear right at this moment, yeah.

09:47:40 3 Q. Okay. Rick, can you tell the jury where you were
09:47:45 4 32 years ago yesterday?

09:47:47 5 A. I was in Stuart, Florida. It was the day my son Jontz
09:47:57 6 was born.

09:47:57 7 Q. So Philip, it was the day he was born?

09:48:01 8 A. Yeah, Philip Jontz.

09:48:03 9 Q. Rick, you know, you understand why we are here. And what
09:48:10 10 we are going to explain to the jury is about you raising your
09:48:16 11 son, and Jontz's life. Can you tell the jury just your
09:48:20 12 experience in raising that little boy and watching him grow
09:48:24 13 up.

09:48:25 14 A. Yeah, he was my little buddy. And when he was little, he
09:48:37 15 was scared to death of the hootin' hen and said it was a
09:48:44 16 nootin' nanny. He was scared to death of the nootin' nanny.
09:48:50 17 Then he was scared of the wampus cat, but he was basically a
09:48:55 18 good boy, and I loved him very much. He was comical. He
09:49:00 19 liked to make people laugh.

09:49:04 20 And he and Kaleb, they were just about inseparable when
09:49:13 21 they were little. They played together all the time. We had
09:49:16 22 a big tree in our yard and it was really shady under and it
09:49:20 23 was nice and cool. And him and his brother played with cars
09:49:24 24 under that every day. And before Kaleb started school, he
09:49:30 25 would prepare everything, make roads and everything, and he

09:49:33 1 would run out the end of our driveway and look and see if
09:49:37 2 Jontz was coming. And finally when Jontz came, he would run
09:49:41 3 out to meet him, and when they come in there, no matter what
09:49:44 4 car Jontz picked up, he picked up the wrong one and Kaleb
09:49:49 5 messed it all up, and it would start all over again,
09:49:51 6 rebuilding the whole thing.

09:49:55 7 Q. How far apart in age are Kaleb and Jontz?

09:50:00 8 A. Repeat the question.

09:50:02 9 Q. How much age difference is there between Kaleb and
09:50:07 10 Philip?

09:50:08 11 A. A little over two years.

09:50:09 12 Q. So can you describe their relationship, you know, growing
09:50:12 13 up as kids, as brothers?

09:50:14 14 A. Oh, I tell you, they loved each other. I mean, they
09:50:18 15 fought with each other, but what brothers -- all brothers do
09:50:21 16 that. But, yeah, they were always together. When I -- we had
09:50:28 17 a construction company down there. When I take the boys to
09:50:31 18 work with me -- but I wouldn't take them at the same time,
09:50:34 19 because they were scared to death one of them was going to do
09:50:38 20 more work than the other, so I would take them one at a time.
09:50:41 21 They each got a turn. And we had our own company so I paid
09:50:47 22 them good money. I give them 40 dollars per day's work. But
09:50:52 23 they earned it, because they learned to work. They were hard
09:50:55 24 workers.

09:50:58 25 Q. And as, you know, Philip grew up, did he continue to do

that kind of work, or work with you in that regard?

A. He sure did. He helped me remodel my house. And he was one of the few people that I know that got a job. He was hired on. Before he got his paycheck on Friday, he got three raises because the guy did not want -- he did not want to lose him because he was such a good worker.

Q. What kind of talents did Philip have that you saw as his father when he was growing up and as he became an adult?

A. He was an artist. And he just adapted to construction work on his own. He loved to do it, and also he was an excellent roofer, and he liked to do that, too, and he was not lazy whatsoever.

Q. Now, did your son grow up and get married?

A. Pardon?

Q. Did your son have the opportunity to grow up and get married?

A. Oh, yes. He married Christy, and they had two beautiful boys.

Q. Rick, in this case, the jury's not going to have the opportunity to hear from the boys, and we have talked about that. But can you talk to the jury, please, about Philip's relationship as a father with his sons?

A. Well, his sons especially the oldest one, Levi, adored his daddy. I mean, his daddy was his hero. And he loved to play chess with his daddy, and we shot guns. We had a place

1 where we shot guns, and he loved to shoot 22s with his daddy
2 and with all of us. And he is left-handed and he was a real
3 good shot. And Philip shoots, too, but he is not into it like
4 Levi is, but he is younger.

5 Q. Can you talk -- you mentioned playing chess. Can you
6 tell the jury a little bit about Philip playing chess with his
7 son?

8 A. Oh, yeah. We taught Levi how to play chess at a young
9 age. He wanted to learn how to play at five years old. And
10 by the time he was eight years old he was beating adults. And
11 when his dad got out of jail the last time, if we -- Levi and
12 Kaleb and Jontz would always play chess, and boy, if Levi got
13 the chance when his daddy was going to play and he would
14 tremble he would be so excited about it, because he loved
15 playing with his daddy.

16 Q. Can you talk a little bit about, you know, if the boys
17 would come to your house, what they would do with Philip and,
18 you know, what kind of activities they would do together?

19 A. Well, they all -- every one of them got motorcycles or
20 four wheelers, they are the small ones, and they would come to
21 the house, we got a big yard and they spent hours out there in
22 the yard riding them things.

23 Q. Do the boys visit your house often now?

24 A. Oh, yeah. They are there all the time.

25 Q. What can you tell the jury about the effect that Philip's

09:55:02 1 death has had on those boys?

09:55:05 2 A. Well, it didn't -- Philip, the youngest one, was real
09:55:12 3 young when it happened, but Levi -- I was trying to get Levi's
09:55:18 4 mind off it one day and we was playing chess, and all of the
09:55:23 5 sudden, he looked up and he started crying and he said, I will
09:55:29 6 never see my daddy again. And he was just a little -- he was
09:55:38 7 nine years old when his daddy was killed.

09:55:42 8 Q. Have you seen this death have an effect on those boys in
09:55:48 9 their day-to-day life?

09:55:50 10 A. Yeah. It's affected their lives. Levi, well, like
09:55:56 11 yesterday, every year on his birthday, we let off balloons
09:56:01 12 and, of course, we weren't able to do that this time but we
09:56:04 13 are going to do it later, you know. Like this year would have
09:56:09 14 been 32 balloons, and we fill them up with helium gas and tie
09:56:15 15 strings around them and the boys all write messages on them
09:56:20 16 like, daddy, I miss you; daddy, I love you. And I got four
09:56:25 17 grandsons, so all of them do it. And then we take them up on
09:56:29 18 the hill besides where Jontz's and Christy's trailer was and
09:56:33 19 we let them loose.

09:56:39 20 Q. Rick, can you explain to the jury how this death has
09:56:48 21 affected you as Philip's father?

09:56:53 22 A. Well, when it happened, I was literally in shock for two
09:56:58 23 days. I couldn't sleep. I couldn't eat. And I know Kaleb
09:57:04 24 would come in my room, and we would sit on the bed with our
09:57:14 25 arms around each other and just cry and cry. And Kaleb asked

me, "Why, dad? Why did this have to happen?"

Q. I hate to ask you this question. I think it's something that the jury needs to understand. Can you explain to them what it was like to have to be a father burying your son?

A. Well, it's something that parents do not expect to do, believe me. And we got a memorial set up inside our house for Jontz. And I think that's when it first hit little Philip that his daddy was gone, when we set that memorial up. And he started crying and he said, "My daddy is gone, ain't he?" Yeah, it's hard.

Q. What was the funeral like for you?

A. Believe it or not, the funeral home was full of people. My relatives, Christy's relatives, friends and neighbors from where we -- up around where we live at. And then after the funeral, we had a little get-together at Danny Wallace's house where Danny and his wife, they prepared a feast for everybody, I mean, all kind of food for everybody. And we all went down there. And then after we left there we went to where Christy was staying at the time.

Q. Rick, have you visited the scene where your son was killed?

A. We go regularly over there. We have three crosses set up there, and we put flowers in every year, and we -- usually all of us go; Christy, Kaleb, and the boys.

Q. What are those visits like for his children, and his

brother, and for you and the family?

A. Well, we all think about, you know, what it was like for Jontz there. That was the last time he was on this earth and we went over there when he was killed, and I told the boys, I said, "This here is the last thing your daddy seen before he was killed."

Q. Is it hard for you all?

A. Pardon.

Q. Is it difficult to be there?

A. Yes, it is.

Q. Rick, I want you to talk to the jury just a little bit about the things that his sons will miss out on knowing who Philip was growing up, knowing what his talents were, what his children won't get to experience as they grow up.

A. Well, he won't have his sons there to teach them how to do carpentry work. And myself, I am getting a little bit too old to do it. But I taught Jontz and I taught Kaleb. Actually, I taught all of my sons except for my youngest son, Seth. He was taken away from me when he was five, and really I haven't had much time with him because we just get him for a few weeks in the summer time. But I taught every one of my boys. And I am sure Jontz was looking forward to doing that to his kids.

Q. You said Seth is Jontz's brother. Is that his youngest brother?

10:01:19 1 A. Seth is the youngest brother, yes.

10:01:21 2 Q. When you said, "taken away from," he went to live with
10:01:24 3 who?

10:01:24 4 A. His mother. His mother took him, and she left me a note
10:01:30 5 in our house and said I could have custody of Jontz and Kaleb.
10:01:34 6 She did not want them. She just wanted Seth. And there was
10:01:38 7 another time me, Jontz, and Kaleb stood in the room with our
10:01:45 8 arms around each other crying. And I told them, I said,
10:01:48 9 "Boys, your dad will never leave you."

10:01:51 10 Q. Did you ever expect Philip to have to leave you in this
10:01:55 11 way?

10:01:56 12 A. No. I thought about that many times, though.

10:02:01 13 Q. It's okay, Rick, you can tell the jury exactly how you
10:02:06 14 feel about this. Don't hold back. Rick, is there anything
10:02:13 15 else that you would like to say to the jury about the loss to
10:02:20 16 you, and his sons, and his brother, and the rest of the
10:02:25 17 family?

10:02:26 18 A. Well, I know Jontz was -- he was a big help to my
10:02:33 19 parents. He built a porch. He loved my dad, and he built a
10:02:37 20 great big porch for my dad. And I think it was 2010, and he
10:02:43 21 was only 20 years old and he built that porch all by himself
10:02:48 22 because my dad because was too old to help him at the time,
10:02:52 23 and I had to work. I mean, it was -- big beams and
10:02:55 24 everything, he had to put up by himself, and he was just --
10:02:59 25 Jontz just knew how to do stuff like that. And my dad wanted

1 hardwood floors put in his house and Jontz went in, pulled all
2 the carpet up, and moved all the furniture by hisself, and put
3 the hardwood floors in there. And he did the hardwood floors
4 in our house, too. He was only 17 years old when he did them.

5 Q. Rick, anything else about the emotional toll that you
6 have seen the children go through, or that you, yourself, or
7 any other members of the family, are experiencing?

8 A. Well, something that I know, I talk about him all the
9 time. One of my friends, she lost her daughter, and she lost
10 her daughter about the time that I lost Jontz. And I know me
11 and her have a lot in common because of that. And she told me
12 that she knows how I feel. And, of course, I know how she
13 feels because we both went through losing a child.

14 Q. Thank you, Rick.

15 MR. UMINA: I have no further questions.

16 THE COURT: Thank you, Mr. Umina.

17 Mr. Carroll, sir.

18 MR. CARROLL: Your Honor, may we approach?

19 THE COURT: You may.

20 (Bench conference outside the hearing of the jury.)

21 MR. CARROLL: Your Honor, the Court made prior
22 rulings about past criminal history. We just heard clear
23 testimony from Mr. Rhoades about, quote, when he got out of
24 jail the last time. I clearly believe that opened the door.

25 THE COURT: It wasn't a question that opened the

10:05:48 1 door. It was an utterance from a witness, so no. That is --
10:05:48 2 the Court's full-effect order remains.

10:05:48 3 MR. CARROLL: Out of jail two and a half years, and
10:05:48 4 did go to jail prior to that. Thank you, Your Honor.

10:05:48 5 (Bench conference concluded, and the following transpired
10:05:56 6 in open court.)

10:05:56 7 THE COURT: You may proceed whenever you are ready.
10:05:58 8 I encourage you to use the microphone.

10:06:13 9 CROSS-EXAMINATION

10:06:13 10 BY MR. CARROLL:

10:06:13 11 Q. Mr. Rhoades, can you hear me okay at this time?

10:06:15 12 A. Yes.

10:06:16 13 Q. Mr. Rhoades, you provided some testimony a moment ago
10:06:21 14 that you took your sons with you to work in construction work;
10:06:24 15 is that correct?

10:06:25 16 A. Yes.

10:06:26 17 Q. And was that while you were living in Florida?

10:06:29 18 A. Yes.

10:06:30 19 Q. Okay. And the last time that you lived in Florida with
10:06:33 20 your sons, was that around 2010, 2011?

10:06:37 21 A. 2005.

10:06:38 22 Q. 2005. Thank you. And was Philip Rhoades employed at the
10:06:45 23 time of his death?

10:06:46 24 A. No.

10:06:48 25 Q. And do I understand correctly that Philip Rhoades was

10:06:54 1 separated from his wife, Christy, at the time of his death?

10:06:57 2 A. Yes.

10:06:58 3 Q. Okay. What time did they separate?

10:07:01 4 A. I think it was around 2013, somewhere around there.

10:07:06 5 Q. And is it fair to say that Christy Rhoades had primary
10:07:10 6 custody over Philip Rhoades' children at that time?

10:07:15 7 A. Yes, I am sure she did.

10:07:19 8 Q. Is it fair to say that Philip Rhoades' children did not
10:07:26 9 stay overnight with him at his residence any time after
10:07:29 10 Christy and Philip Rhoades separated?

10:07:33 11 A. No, that's not correct. In the last few weeks, he
10:07:36 12 didn't.

10:07:37 13 Q. And then I want to make sure you understand my question.
10:07:40 14 Is it a fair statement that Philip Rhoades' and Christy
10:07:46 15 Rhoades' two boys did not stay at Philip Rhoades' trailer
10:07:51 16 after they separated?

10:07:53 17 A. No, they didn't stay there, but they have spent the night
10:07:56 18 there. But they stayed at our house most of the time because
10:08:01 19 I have cable TV and they could watch cartoons.

10:08:07 20 MR. CARROLL: Thank you, Your Honor. I've no further
10:08:08 21 questions for this witness.

10:08:09 22 THE COURT: Thank you very much.

10:08:11 23 Mr. Umina, anything further for Mr. Rhoades?

10:08:13 24 MR. UMINA: Just a couple questions.

25

10:08:14 1 THE COURT: Sure.

10:08:16 2 REDIRECT EXAMINATION

10:08:16 3 BY MR. UMINA:

10:08:19 4 Q. Rick, you were just asked -- can you hear me?

10:08:22 5 A. Yeah.

10:08:23 6 Q. You were just asked if Philip was working at the time of
10:08:27 7 his death. And you said no. Why wasn't Philip working at the
10:08:34 8 time of his death?

10:08:35 9 A. He didn't have transportation, and he didn't have a
10:08:37 10 driver's license, and we live in a remote area of West
10:08:42 11 Virginia.

10:08:45 12 Q. Was he working in the months leading up to that?

10:08:49 13 A. When he first got out of jail, he worked for John
10:08:56 14 Hamrick, a friend of ours, and they worked in Morgantown. And
10:09:00 15 John Hamrick would come and get him every morning. But John
10:09:04 16 Hamrick, after he got off work, he liked to go to bars. And
10:09:09 17 Jontz didn't want to go to bars. He wanted to come home. And
10:09:13 18 John Hamrick would stay at the bars 'til -- they, before he
10:09:17 19 come home, and Jontz just didn't want to do that, so Jontz
10:09:21 20 quit. But Jontz started working at Enterprise for a while
10:09:26 21 with a guy named Dave. But I think Dave's truck broke down or
10:09:30 22 something, and they had to quit working until Dave could get
10:09:37 23 his truck fixed. He just never heard from Dave again.

10:09:40 24 Q. Rick, how far is your house from where Jontz's house was?

10:09:48 25 A. I don't know, maybe -- probably not even a hundred feet.

10:09:56 1 Q. Is it located on the same property?

10:09:58 2 A. Oh, yes.

10:09:59 3 Q. Thank you, Rick. Those are all the questions I have.

10:10:02 4 THE COURT: Thank you.

10:10:02 5 Mr. Carroll, anything further of Mr. Rhoades?

10:10:05 6 MR. CARROLL: Nothing, Your Honor.

10:10:06 7 THE COURT: May Mr. Rhoades be excused, Mr. Umina?

10:10:09 8 MR. UMINA: Yes, Your Honor.

10:10:10 9 THE COURT: Mr. Carroll.

10:10:11 10 MR. CARROLL: Yes, Your Honor.

10:10:12 11 THE COURT: Mr. Rhoades, sir, thank you very much.

10:10:13 12 You can step down.

10:10:37 13 Madam Clerk, can I trouble you to sanitize our witness

10:10:39 14 stand, please?

10:10:48 15 Mr. Umina, you may advise your next witness they will

10:10:50 16 be ready to testify here in a second.

10:10:53 17 MR. UMINA: Next witness will be Christy Rhoades.

10:10:56 18 THE COURT: Thank you very much. Ms. Rhoades, we

10:10:57 19 will be right with you.

10:11:36 20 THE COURT: Thank you, Madam Clerk.

10:11:40 21 Mr. Umina, you may call your next witness.

10:11:43 22 MR. UMINA: The plaintiff calls Christy Rhoades, Your

10:11:43 23 Honor.

10:11:46 24 THE COURT: Ms. Rhoades, you can step forward and

10:11:46 25 pause here before Madam Clerk, so she can swear you in,

10:11:48 1 please.

10:11:49 2 CHRISTY J. RHOADES, PLAINTIFF'S WITNESS, SWORN

10:12:09 3 THE COURT: Thank you very much. As soon as you are
10:12:12 4 comfortable, if I may trouble you to adjust that microphone.
10:12:14 5 You can remove your mask whenever you are ready.

10:12:16 6 Mr. Umina, you may proceed whenever you are ready, sir.

10:12:19 7 DIRECT EXAMINATION

10:12:19 8 BY MR. UMINA:

10:12:20 9 Q. Christy, can you please state your name for the jury?

10:12:23 10 A. Christy Jeannette Rhoades.

10:12:25 11 Q. Christy, I want to discuss with you at the outset how you
10:12:29 12 became the administratrix of this estate. So we know that you
10:12:36 13 and Philip had separated before his death, correct?

10:12:42 14 A. Yes.

10:12:42 15 Q. Okay. And at the time of his death, were the two of you
10:12:48 16 still lawfully married?

10:12:49 17 A. Yes, we were.

10:12:51 18 Q. They asked a question about a custody arrangement. Was
10:12:56 19 there ever a custody agreement between the two of you?

10:12:59 20 A. No. We didn't have a custody agreement.

10:13:02 21 Q. Because you two were still married, correct?

10:13:04 22 A. Right.

10:13:05 23 Q. Okay. Christy, do you recall why it w-as you who was
10:13:16 24 required to serve as the administratrix of Philip's estate?

10:13:21 25 A. Well, I tried to let my brother-in-law do that, which

1 they acted like they never heard of that before. But they
2 told me that I would have to wait so long before I could give
3 it to my brother-in-law, so I did it so we could, you know --

4 Q. Can you talk to -- tell the jury how these -- this
5 investigation into and ultimately a lawsuit came to be after
6 -- start at the moment everyone found out he was killed.

7 A. I don't understand what you are asking me.

8 Q. In terms of the family reaching out to me in this regard.

9 A. Why did we?

10 Q. Exactly. Yes.

11 A. Well, I found out on Facebook that Jontz had been shot.
12 My father-in-law couldn't even find out whether or not he was
13 dead. I called the state police, and they told me there is no
14 obligation to tell me anything. And Marion County wouldn't
15 even talk to me. We knew absolutely nothing. And then the
16 coroner called my father-in-law at 6:00 that evening, and told
17 him that he had his son. And Rick said that he didn't get to
18 identify him or anything. And he said, "I promise it's
19 Philip." And that's just all we were given. We knew nothing.
20 No reason behind it. Nothing. So Rick went and met Ryan.

21 Q. Do you recall what happened after that, Christy?

22 A. We had to meet at the funeral home where I had to go sign
23 papers and stuff with my uncle. I had to cremate Jontz after
24 making a promise to our boys that they would get to say
25 good-bye to him.

10:16:03 1 Q. It's okay if you need a minute, Christy.

10:16:14 2 A. That was the first time that we met Ryan, was at the
10:16:17 3 funeral home. We waited almost two weeks for them to send
10:16:34 4 back Jontz's ashes before we could have a memorial. And that
10:16:40 5 happened back in-between my sons' birthdays and August.

10:16:53 6 Q. I know it's tough, Christy. How old were Philip and Levi
10:17:02 7 when their father was killed?

10:17:14 8 A. They were nine and six when he was killed. Philip turned
10:17:23 9 seven. I had Jontz's memorial service and Levi turned ten.

10:17:34 10 Q. How far between the children's birthdays was the funeral?

10:17:38 11 A. Philip's birthday is the 18th. We had the service on the
10:17:43 12 20th or the 21st, I don't remember, and my birthday is the
10:17:48 13 26th, and then they (indiscernible) is the 28th.

10:17:53 14 Q. Of August?

10:17:54 15 A. Yes.

10:17:54 16 Q. I know it's hard for Rick to talk about it, but can you
10:18:08 17 tell the jury the effect you have seen since the funeral and
10:18:19 18 through now that this death has had on Rick Rhoades?

10:18:39 19 A. Even though most people say they don't have favorites,
10:18:43 20 and Rick has six kids, so he says that as well. Jontz was his
10:18:48 21 favorite and everybody knew it. He didn't hide it from
10:18:51 22 anybody. I honestly thought we were going to lose him, too.

10:19:04 23 Q. Christy, do you still see Rick often?

10:19:09 24 A. Every day.

10:19:16 25 Q. Christy, what effect have you seen this have on Kaleb and

1 the rest of the family?

2 A. Kaleb has probably taken it the hardest. Him and Jontz
3 were really close. And they had an argument just days before,
4 and KK never got to tell him he was sorry. And he had a
5 really hard time with it, especially yesterday on his
6 birthday. He's always real distant and stays away from
7 everybody. Kind of surprises me that he was here.

8 Q. Christy, we talked about how you became, you know,
9 administratrix of this estate. Who did you bring this lawsuit
10 on behalf of?

11 A. For my boys, for Jontz, because he wouldn't turn his back
12 on me.

13 Q. I know this is very difficult to talk about, Christy.
14 Can you tell the jury, and just talk to them and tell them how
15 you have seen Philip's death affect your children and what
16 they have gone through.

17 A. Levi knew something was wrong as soon as he got home. I
18 sat down and put him and Philip on the couch, and he just
19 started saying, "No, mommy." And I couldn't even choke out
20 the words to tell him. And my mom tried to and she said that
21 daddy wasn't coming home, and Levi jumped up away from me and
22 he said, "You are lying mommy. You are lying," and he started
23 screaming at me. And I tried to hug him and he said, "No, I
24 just want to tell my daddy I love him. Please mommy, please
25 let me tell daddy I love him," and that's when I made the

1 promise that he could get to, at least, say good-bye; that it
2 wouldn't be the same, but he would get to tell daddy good-bye.
3 I didn't realize that I was going to have to cremate him.

4 My son is 13 now, and he still won't mention his dad.
5 There is very, very few times that he does, and when he does,
6 it's not with me. And Philip was so little, that he remembers
7 Jontz, he has a hard time, but there is just certain times
8 that it really bothers him. But Levi is all the time. And he
9 used to be such a sweet little boy, and now he is mean. He is
10 even mean to me. And I know he doesn't mean it towards me and
11 stuff, but I couldn't imagine.

12 Q. Do you think that, you know, the change in Levi that you
13 have seen is a result of his father's death?

14 A. Absolutely.

15 Q. When he does talk about it, what is that -- like, how --
16 I mean, how does he emotionally appear?

17 A. If I am around he cries. He leaves the room. He doesn't
18 talk about Jontz in front of me ever. I think he is scared of
19 making me cry.

20 Q. Do you ever go with the family and the kids and do things
21 to memorialize Philip's death?

22 A. Oh, yeah. I am the one that started the balloon release
23 and stuff, and I had the crosses made that we put up there,
24 where he died at. I go out there almost every day by myself.
25 One of my biggest regrets is leaving him. I just always

10:24:29 1 figured that we would get back together. Who knew he wasn't
10:24:37 2 going to be here.

10:24:46 3 Q. Christy, you know, at the time of his death, you know,
10:24:52 4 you two, you know, you were separated; is that right?

10:24:55 5 A. Yes, we were.

10:24:56 6 Q. And you two were both in, you know, other relationships?

10:25:01 7 A. Yes.

10:25:03 8 Q. Did you ever stop caring about Philip?

10:25:06 9 A. No. I still love him more than anything.

10:25:22 10 Q. Christy, I'm going to just stop there. I know this is
10:25:25 11 very difficult for you. Thank you.

10:25:25 12 THE COURT: Thank you, Mr. Umina.

10:25:32 13 Ms. Durst.

10:25:33 14 MS. DURST: Thank you, Your Honor.

10:25:33 15 CROSS-EXAMINATION

10:25:33 16 BY MS. DURST:

10:25:56 17 Q. Good morning, ma'am.

10:25:56 18 A. Good morning.

10:25:57 19 Q. Are you okay to proceed?

10:25:59 20 A. Yeah.

10:25:59 21 Q. Sorry.

10:26:01 22 THE COURT: Thank you, Ms. Durst. The Clerk was
10:26:02 23 advising me, Your Honor.

10:26:04 24 BY MS. DURST:

10:26:05 25 Q. Ms. Rhoades, you just testified on the questions from

1 Mr. Umina, that you and Mr. Rhoades were still legally married
2 on August 2nd of 2017; is that correct?

3 A. Yes, ma'am.

4 Q. Okay. Even though you were still legally married to
5 Mr. Rhoades, you were in a relationship with another gentlemen
6 by the name of Todd Stevens; is that correct?

7 A. Yes.

8 Q. And you were actually living with Mr. Stevens, on
9 August 2nd of 2017, at a place in Joetown in Marion County; is
10 that correct?

11 A. Yes.

12 Q. And your two boys, Levi and Philip, were actually living
13 there with you and Mr. Stevens; is that right?

14 A. Yes.

15 Q. And during this time that you were in a relationship with
16 Mr. Stevens, you actually had a child by him, correct,
17 another -- a young daughter, Gabriella?

18 A. Yes, I did. And he told me if I wanted to come home, I
19 could still come home and he would be her dad.

20 Q. Well, we will talk about that in a second. So you would
21 have still had Gabriella Stevens by Todd Stevens while you
22 were still legally married to Philip Rhoades, right?

23 A. Yes.

24 Q. Okay. And you and Mr. Rhoades stopped living together as
25 husband and wife around 2013 or 2014; is that correct?

10:27:31 1 A. Yes.

10:27:32 2 Q. And, in fact, you actually left Mr. Rhoades; is that
10:27:37 3 right?

10:27:37 4 A. Yes.

10:27:38 5 Q. And after you left Mr. Rhoades, you never moved back in
10:27:44 6 with him at any point in time from either 2013 or 2014 up
10:27:48 7 until the time of his death; is that right?

10:27:51 8 A. Yes.

10:27:54 9 Q. And you just testified, I think you said one of your
10:27:57 10 biggest regrets was leaving Mr. Rhoades; is that right?

10:28:01 11 A. Yes. I will regret it 'til the day I die.

10:28:04 12 Q. But not only did you not move back in with Mr. Rhoades
10:28:07 13 after the two of you separated, you never got back with him at
10:28:11 14 any point in time from the point in time you separated up
10:28:15 15 until his death; is that right?

10:28:22 16 A. Yes, that's right, but not because I didn't love Jontz.

10:28:26 17 Q. Well, in fact, isn't it true, Ms. Rhoades, that you
10:28:31 18 hadn't even spoken to Mr. Rhoades in over a year prior to his
10:28:34 19 death?

10:28:37 20 Isn't that right?

10:28:39 21 A. Yes, but I saw him. Yes, that's right.

10:28:48 22 Q. And you hadn't had any form of communications with him in
10:28:51 23 that year's time, even text communications, up to his death,
10:28:55 24 had you?

10:28:58 25 A. Jontz never really had a cell phone to text.

1 Q. So during the year's time leading up to Mr. Rhoades's
2 passing, you didn't have any communications with him at all;
3 is that right?

4 A. Right.

5 Q. And at no point in time after the two of you had
6 separated in either 2013 or 2014, did your boys, Philip and
7 Levi, ever live with their father, did they?

8 A. They spent half their time up there. They lived between
9 both houses.

10 Q. Did they actually live with their father at any point in
11 time after the two of you separated?

12 A. I guess not, no.

13 Q. During the period of time from the time you separated in
14 2013 or 2014, up until August of 2017, you were the one
15 responsible for taking care of the boys; isn't that right?

16 A. I don't understand what you are asking.

17 Q. You took care of them, you got them ready for school, you
18 fed them, you clothed them, those kinds of things, didn't you?

19 A. Yes, I did.

20 Q. And --

21 A. Because I wanted to.

22 Q. Okay. And so you were the one, then, during the period
23 of time you separated, up until the point in time that
24 Mr. Rhoades died, you were the one responsible for taking care
25 of the boys, right?

10:30:36 1 A. Yes.

10:30:41 2 Q. And from 2013 or 2014 up through 2017 at the time of his
10:30:49 3 death, Mr. Rhoades was not providing any financial support for
10:30:53 4 the boys, was he?

10:30:54 5 A. No. Respectfully, ma'am, I didn't ask Jontz for
10:31:02 6 anything. Had I, he would have helped me.

10:31:05 7 Q. Okay. But even -- these were his boys, right? They were
10:31:09 8 his two biological sons, correct?

10:31:12 9 A. Yes.

10:31:12 10 Q. And because you never asked him, he never provided
10:31:16 11 anything, did he?

10:31:18 12 A. I wouldn't take it.

10:31:23 13 Q. You never asked him?

10:31:24 14 A. I never asked him. He offered. I didn't take it.

10:31:27 15 Q. He never provided any financial support from 2013 or 2014
10:31:32 16 up until --

10:31:33 17 A. No, ma'am, he didn't.

10:31:36 18 Q. And in 2017, at the time of Mr. Rhoades' death, you were
10:31:40 19 not employed, were you?

10:31:42 20 A. No, I wasn't.

10:31:44 21 Q. And we heard --

10:31:46 22 A. Oh, yeah. I was employed. In 2014 to 2015 I worked at
10:31:56 23 7-Eleven.

10:31:57 24 Q. Let me rephrase my question. Maybe it wasn't clear.

10:32:00 25 That's okay. At the time of his death, in August of 2017, you

10:32:04 1 were not employed, right?

10:32:06 2 A. No.

10:32:06 3 Q. Okay. And we have heard Rick Rhoades testify that at
10:32:10 4 that time as well, Mr. Rhoades, Philip Rhoades, was not
10:32:13 5 employed either, right?

10:32:15 6 A. Right.

10:32:16 7 Q. Okay. And so you actually relied on Todd Stevens, who
10:32:21 8 you were living with, to help financially take care of your
10:32:23 9 boys, didn't you, because Mr. Stevens was employed?

10:32:26 10 A. No.

10:32:27 11 Q. That's not true?

10:32:28 12 A. He didn't take care of my kids.

10:32:30 13 Q. Did you rely on him financially to help take care of your
10:32:34 14 boys?

10:32:35 15 A. No. He couldn't take care of my kids. He paid the rent
10:32:39 16 at the trailer we lived in, and sometimes he would pay some of
10:32:43 17 the bills. I received welfare that bought their clothing, and
10:32:49 18 I received food stamps to buy their food. And my mom helped
10:32:55 19 me with whatever else I needed.

10:32:56 20 Q. Ms. Rhoades, do you remember giving a deposition in this
10:33:00 21 case where I asked you some questions under oath similar to
10:33:03 22 what we are doing here today?

10:33:04 23 A. Yes.

10:33:05 24 Q. And you had your attorney present with you, correct?

10:33:07 25 A. Yes.

10:33:08 1 Q. Okay. And you were under oath like you are here today,
10:33:12 2 correct?

10:33:12 3 A. Yes.

10:33:13 4 MS. DURST: Your Honor, may I approach?

10:33:14 5 THE COURT: You may.

10:33:20 6 A. I am unaware of what this is.

10:33:22 7 Q. I will hand it to you, Ms. Rhoades.

10:33:24 8 THE COURT: Ms. Rhoades, you will have to wait until
10:33:25 9 there is a question pending. Okay? Thank you.

10:33:28 10 BY MS. DURST:

10:33:30 11 Q. Ms. Rhoades, I have handed you your deposition
10:33:34 12 transcript. Will you please take a look at it?

10:33:37 13 A. I did.

10:33:39 14 THE COURT: Let us know what page and line number you
10:33:42 15 will be referring to.

10:33:44 16 MS. DURST: Page 39 of the deposition, lines 4
10:33:48 17 through 6.

10:33:48 18 BY MS. RHOADES:

10:33:50 19 Q. Do you see that, Ms. Rhoades?

10:33:51 20 A. Yes.

10:33:54 21 Q. Okay. The question: "Okay. So Todd was helping take
10:33:56 22 care of you financially?"

10:33:57 23 What was your answer?

10:33:59 24 A. That says, "Todd's helping me." You said, Todd took care
10:34:09 25 of my boys.

1 Q. I asked if you were relying on Todd financially to help
2 take care of your boys. Is it your testimony under oath here
3 today that Todd was only helping you financially but not your
4 boys; is that your testimony?

5 A. No. That's not how I meant that.

6 Q. Now, we talked about the fact that you were the one that
7 took care of the boys; clothed them, fed them, got them ready
8 for school, right?

9 A. Right.

10 Q. And over the years your boys would have had medical
11 appointments, well child visits, those kinds of things,
12 correct?

13 A. Correct.

14 Q. You are the one that took the boys to all of their
15 medical appointments, aren't you?

16 A. Yes, because I wanted to.

17 Q. Mr. Rhoades never went to any of their doctors'
18 appointments with them until the time you separated up until
19 his death, did he?

20 A. No, he didn't. He didn't before either. I am their
21 mother. I took them to doctor and dentist appointments.

22 Q. Okay. But after you separated, he never assisted with
23 that at all, did he?

24 A. No, but he never did prior either.

25 Q. Okay. Well, let's talk about aside from regularly

1 scheduled appointments. Boys have -- they're kids. They have
2 incidents where they might need urgent care visits. Your son
3 Philip had to get staples at some point, didn't he?

4 A. Yes.

5 Q. And this would have been after you and Mr. Rhoades
6 separated, and before Mr. Rhoades died, right?

7 A. Yes.

8 Q. And you were the one that took your son Philip for that
9 medical care, correct?

10 A. Yes.

11 Q. You didn't even tell Mr. Rhoades about that at that time,
12 did you?

13 A. No, I didn't.

14 Q. From 2013 or 2014 up until 2017, when Mr. Rhoades died,
15 he never went to any parent teacher conferences for the boys
16 at school, did he?

17 A. No, but I don't go to parent teacher conferences.

18 Q. Did he go to anything for the boys at the school?

19 A. I don't recall.

20 Q. He never -- when -- he may not have been over at -- the
21 boys may not have been over at their grandfather's house --
22 Philip Rhoades never called the boys to talk with them on the
23 phone either, did he?

24 A. I'm not sure.

25 Q. So as we sit here today, you're not sure if he called the

10:36:42 1 boys or not? Is that your testimony?

10:36:43 2 A. Yes, ma'am, because he didn't call my house. I didn't
10:36:47 3 have a phone. My boys stayed with my mother a lot, so I am
10:36:52 4 not sure if they -- he would have called there for them or
10:36:56 5 not.

10:36:57 6 Q. You have your transcript still there in front of you, Ms.
10:36:59 7 Rhoades. If you will flip to page 32, line 11. Do you see
10:37:08 8 the numbered lines on the side again? Do you see that,
10:37:14 9 Ms. Rhoades?

10:37:14 10 A. Yes, I saw it.

10:37:16 11 Q. The question was, "Did he call the boys?" And what was
10:37:19 12 your answer?

10:37:19 13 A. "No," that he did not call my home.

10:37:23 14 Q. Your answer did not say that in your sworn testimony
10:37:26 15 under oath, did it?

10:37:27 16 A. No, it didn't.

10:37:34 17 Q. Okay. During the last couple -- well, let me back up.
10:37:41 18 Mr. Umina asked you a question that at the time of his death,
10:37:44 19 Mr. Rhoades was in a relationship, and you were in a
10:37:47 20 relationship, we know, with Todd Stevens, right?

10:37:49 21 A. Right.

10:37:50 22 Q. Okay. And Mr. Rhoades was in a relationship with a woman
10:37:53 23 by the name of Amanda Powell; is that right?

10:37:56 24 A. Yes, I guess.

10:37:58 25 Q. You would not let your boys go around Amanda Powell,

10:38:01 1 would you?

10:38:03 2 A. I didn't really stop them. I didn't want them around
10:38:08 3 her, no. I didn't know her.

10:38:15 4 Q. Take a look at your deposition testimony, Ms. Rhoades,
10:38:19 5 page 29, line 20. Do you see the question: "Okay. With the
10:38:34 6 things you heard about her, did you let the boys go around
10:38:37 7 her?"

10:38:37 8 What was your answer?

10:38:39 9 A. "No."

10:38:41 10 Q. So if Mr. Rhoades was living with Amanda Powell at that
10:38:44 11 point, and you wouldn't let the boys go around Amanda Powell,
10:38:49 12 safe to assume that if the boys were with Amanda Powell -- if
10:38:54 13 Mr. Rhoades was with Amanda Powell, they wouldn't have seen
10:38:55 14 their dad at that time?

10:38:56 15 A. No, that's not correct.

10:39:00 16 Q. Your sons would not actually stay with their father at
10:39:06 17 his trailer. They would stay either at your sister's or Rick
10:39:11 18 Rhoades' house; is that right?

10:39:12 19 A. My sister lives at Rick Rhoades' house. And my
10:39:15 20 father-in-law lives steps away from Jontz. And they stayed
10:39:22 21 the night with my father-in-law and my sister, yes.

10:39:26 22 Q. And they actually went to their grandfather's house with
10:39:28 23 the intent of staying there, not staying with their father; is
10:39:31 24 that right?

10:39:32 25 A. Not necessarily. I mean, I wasn't there. I don't really

1 know. But they went and stayed with my sister.

2 Q. Would you take a look at your deposition testimony,
3 page 30, please, lines 9 through 11.

4 A. At their grandfather's house.

5 Q. I'm sorry?

6 A. Yes.

7 Q. Okay. So the question was: "Okay. And they went there
8 with the intent that they were going to stay at their
9 grandfather's house?" And your answer was --

10 A. "At his home."

11 Q. Would you agree with me, Ms. Rhoades, that during the
12 time you were in the relationship with Todd Stevens from
13 around 2013 or 2014, up until the point of Mr. Rhoades' death,
14 that your son Philip actually spent more time with
15 Todd Stevens than he did his own father?

16 A. That was my fault. Yes.

17 Q. Okay. Is it safe to say, Ms. Rhoades, that neither you
18 or the boys had sought any counseling following Mr. Rhoades'
19 death?

20 A. I have since meeting with you at the office.

21 Q. So at the time I took your deposition --

22 A. No, I hadn't, and my boys have.

23 Q. Just to be fair, your deposition was taken July 10 of
24 2019, which was almost two years after Mr. Rhoades' death.
25 And up until that point, you had not gone to any counseling;

10:41:32 1 is that right?

10:41:32 2 A. Right.

10:41:40 3 MS. DURST: Your Honor, I believe those are the
10:41:42 4 questions I have. Can I approach and retrieve the transcript?

10:41:45 5 THE COURT: You may.

10:41:46 6 MS. DURST: Thank you.

10:41:57 7 THE COURT: Mr. Umina.

10:41:58 8 MR. UMINA: Just brief follow-up, Judge.

10:42:02 9 THE COURT: Certainly.

10:42:02 10 REDIRECT EXAMINATION

10:42:02 11 BY MR. UMINA:

10:42:08 12 Q. Christy, do you have a sister?

10:42:09 13 A. Yes, I do.

10:42:10 14 Q. Who is she married to?

10:42:12 15 A. Jontz's brother.

10:42:15 16 Q. So you sisters married a pair of brothers?

10:42:18 17 A. Yes, we did.

10:42:19 18 Q. About how old were they when you met them?

10:42:22 19 A. Jontz and I were 16. Kaleb was 13, 14.

10:42:33 20 Q. You said KK. That is Kaleb?

10:42:37 21 A. Yes, I'm sorry.

10:42:38 22 Q. That's okay. Do you know about how big Rick Rhoades'
10:42:42 23 property is? Is it multiple acres?

10:42:45 24 A. Yes.

10:42:45 25 Q. Okay. And did the whole family live on the same

10:42:50 1 property?

10:42:51 2 A. Always.

10:42:52 3 Q. So when Ms. Durst, you know, was talking about staying at

10:42:58 4 their grandfather's house and this time spent there, were they

10:43:02 5 on the same property as their father?

10:43:04 6 A. Yes.

10:43:05 7 Q. Okay. And about how much time did they spend over there

10:43:08 8 after you separated?

10:43:10 9 A. All of it, if I let them.

10:43:12 10 Q. But I mean, I know it's if you let them, but

10:43:16 11 realistically how often were they over at --

10:43:19 12 A. Every weekend for sure, and any time they had a day off

10:43:23 13 school.

10:43:23 14 Q. And what about summertime?

10:43:26 15 A. All summer. I had to force them to come home for a

10:43:29 16 couple days.

10:43:30 17 Q. And so to be clear, on that property it was their father,

10:43:34 18 their aunt, who is also your sister, their uncle, Philip's

10:43:39 19 brother, and their grandfather?

10:43:42 20 A. Yes. And during the summer, Jontz's youngest brother

10:43:46 21 Seth would be here, too. So he was there as well.

10:43:49 22 Q. From Florida?

10:43:50 23 A. Yes.

10:43:51 24 Q. Do your boys have any cousins?

10:43:56 25 A. Yes.

1 Q. How many? About their age that is?

2 A. My sister and KK have two boys. And they live with Rick
3 as well. And then my brother just recently married my best
4 friend, and she has two boys. So they live in the trailer
5 where Jontz and I lived. So now there is six boys when we go
6 over.

7 Q. When they would stay over on that property, would they
8 have sleepovers with their cousins?

9 A. Yes.

10 Q. Did they want to have sleepovers with their cousins?

11 A. Yes.

12 MR. UMINA: No further questions, Your Honor.

13 THE COURT: Thank you, Mr. Umina.

14 Ms. Durst, anything further?

15 MS. DURST: I don't have anything further. Thank
16 you.

17 THE COURT: Ms. Rhoades, you may step down, ma'am.
18 Thank you very much.

19 This is a good time to take our morning break. We
20 will go ahead and do that. Is the air temperature in here
21 more acceptable? I see nods. Great. I am glad we finally
22 achieved that. Sorry.

23 We are going to take our midmorning break. We will take
24 15 minutes and resume back at 11. Again, my standing
25 instructions remain: Please continue to refrain from

1 discussing the case with anyone, including amongst yourselves
2 or with any of your fellow jurors or anyone else. Also please
3 continue to refrain from conducting any type of independent
4 investigation not only into this case, but any of the issues
5 that have been discussed so far. Thank you very much. We
6 will see you in 15 minutes. Thank you.

7 (Jury was excused, and the following transpired in open
8 court.)

9 THE COURT: Please be seated.

10 Mr. Umina, who will be our next witness, sir?

11 MR. UMINA: Expert witness, Dennis Root, Your Honor.

12 THE COURT: Okay. Is Mr. Root here and ready to go?

13 MR. UMINA: He is. It's 11. I am sure we are going
14 to run into lunchtime.

15 THE COURT: That's fine. Okay. Any issues we need
16 to take up before we hear from Mr. Root?

17 MR. UMINA: If we can have a few minutes to set up.

18 THE COURT: Absolutely.

19 Ms. Durst, anything we need to take up at this point?

20 MS. DURST: Nothing, Your Honor. Thank you.

21 THE COURT: See you all in 15 minutes. Thank you.

22 (A recess was taken at this time 10:46 a.m. - 11:05 a.m.)

23 THE COURT: Anything we need to take up before we
24 bring the jury back in?

25 MR. UMINA: No, Your Honor.

11:07:52 1 MS. DURST: No, Your Honor.

11:07:52 2 THE COURT: Again, please feel free to move

11:07:56 3 anywhere --

11:07:56 4 MS. DURST: I will go over in the corner, Your Honor.

11:08:37 5 THE COURT: I believe we are ready to call our jurors

11:08:40 6 in, sir. Thank you.

11:08:42 7 (Jurors entered the courtroom, and the following

11:08:45 8 transpired in open court.)

11:09:33 9 THE COURT: Thank you, ladies and gentlemen. You may

11:09:35 10 be seated everyone.

11:09:36 11 Mr. Umina, you may call your next witness, sir.

11:09:39 12 MR. UMINA: Plaintiff calls Dennis Root.

11:09:44 13 THE COURT: Mr. Root, sir, if you wouldn't mind

11:09:50 14 coming up here and pausing so Madam Clerk can swear you in.

11:10:10 15 DENNIS ROOT, PLAINTIFF'S WITNESS, SWORN

11:10:10 16 THE COURT: Good morning, Mr. Root. Sir, as soon as

11:10:14 17 you are seated, if you can adjustment that microphone, so we

11:10:17 18 all can hear you clearly.

11:10:33 19 Mr. Umina, you may proceed whenever are you ready, sir.

11:10:38 20 DIRECT EXAMINATION

11:10:38 21 BY MR. UMINA:

11:10:39 22 Q. Good morning, Mr. Root.

11:10:39 23 A. Good morning.

11:10:40 24 Q. Can you please introduce yourself to the jury.

11:10:42 25 A. My name is Dennis Root. Last name is spelled, R-o-o-t,

11:10:47 1 like the bottom of a tree.

11:10:48 2 Q. And, Mr. Root, what is your profession?

11:10:50 3 A. I'd like to say I am retired. My wife would disagree.

11:10:56 4 My current profession is, primarily I do training for a

11:11:01 5 variety of self-defense and use of force type topics for law

11:11:05 6 enforcement, use of force, and also individual self-defense.

11:11:08 7 I also provide use of force expert consultant and expert

11:11:14 8 witness work.

11:11:15 9 Q. Are you paid for that work, Dennis?

11:11:17 10 A. I am.

11:11:18 11 Q. And what are your fees for that?

11:11:23 12 A. I'm compensated for my time at a \$5,000 retainer and I

11:11:28 13 make \$250 per hour, both in half hour increments for the time

11:11:32 14 that I invest in reviewing any materials and/or testifying at

11:11:37 15 deposition or trial.

11:11:38 16 Q. And to your knowledge, is that pretty standard in this

11:11:41 17 field?

11:11:42 18 A. Some charge more. I think I'm on the lower end, but I

11:11:46 19 think it's pretty average I guess.

11:11:48 20 Q. In your work as an expert witness, Mr. Root, have you

11:11:54 21 ever turned down cases or provided an opinion to the person

11:11:57 22 who retained you, that they didn't -- that the person that

11:12:00 23 retained you didn't like?

11:12:03 24 A. Well, I would say most experts can turn down cases. I

11:12:08 25 most certainly have. I mean, my process is simple. I get a

11:12:12 1 phone call and I give a free consultation for whoever is
11:12:15 2 seeking the type of expert that I -- or expert in the field
11:12:19 3 that I do. We do a consultation, and based on the case facts
11:12:23 4 that they present to me at that time, I can tell them whether
11:12:26 5 or not I can be of any assistance. If it's not within my
11:12:29 6 wheelhouse, maybe I might know somebody who could be -- they
11:12:33 7 could be referred to.

11:12:33 8 And, yes, I've had cases where I was retained in a case,
11:12:40 9 based on the premise of the facts presented, later I was
11:12:43 10 provided with all of the discovery in the case, and all of the
11:12:46 11 information and the facts in the case didn't turn out the way
11:12:50 12 that the individual that retained me presented them, so they
11:12:53 13 get the opinion based on the facts, not what they want. And
11:12:56 14 that's a really big distinction that needs to be made. I am
11:13:01 15 compensated for my time. My opinion is not for sale. So
11:13:05 16 whenever I have a case, it's based -- I take it based on the
11:13:09 17 information given to me. And then the opinion is rendered
11:13:12 18 based off the facts that come through discovery.

11:13:15 19 Q. Would the cases that you turn down, or provide an opinion
11:13:21 20 that the person who retained you didn't like, would those
11:13:22 21 appear on your CV?

11:13:23 22 A. No. No. The only cases that are listed on the CV for a
11:13:28 23 professional expert witness, are the cases at which they've
11:13:32 24 testified either by trial or at deposition. And if you render
11:13:37 25 an opinion that is contrary to what the client wanted, that

1 opinion won't -- if they don't put you through to a deposition
2 or to trial testimony, it won't appear on a CV.

3 Q. Mr. Root, when you take a case, what is important to you?

4 A. When I take a case -- well, open and honesty. I mean,
5 when I take a case, especially a force related case, what is
6 important to me are the facts that are presented to the
7 individual at the time we have the consultation.

8 I don't take a case just because it's there. Somebody
9 contacts me, and I ask them a variety of questions, and I make
10 sure that I understand the premise of their case before I ever
11 tell them that I think I can help. And then if they decide
12 that I'm the person that fits their legal need, if you will,
13 then they will retain me, we will sign service agreements, and
14 move forward.

15 Q. Mr. Root, before we get into your opinion, I want the
16 jury to be able to get to know you a little bit better, so can
17 you tell them where you're from?

18 A. Currently I'm happy to say that I'm from Mountain City,
19 Tennessee. Originally I'm from Florida, but two years ago my
20 wife and I retired and moved to Mountain City, Tennessee, and
21 bought 25 acres of just a beautiful example of what God
22 created. And we live right off of, I think it's the Blue
23 Ridge Mountains. And I live there with my wife, my three fur
24 babies, my dogs, and hope my kids will come see me sometime.

25 Q. All right. Now, for what we are here for, Mr. Root.

1 Have you come to court prepared to state your opinion as to
2 whether or not the defendant's use of deadly force when he
3 shot and killed Philip Rhoades was or was not objectively
4 reasonable?

5 A. Yes.

6 Q. Before you render that opinion, let's review your
7 qualifications to give the opinion.

8 Mr. Root, first question: How long have you been or were
9 you a certified police officer?

10 A. Total time, just over 27 years as a certified officer in
11 the State of Florida.

12 Q. Any other certifications that you think the jury should
13 know about, Dennis?

14 A. Certifications? Well, as it relates to use of force,
15 what I do as an expert consultant, my certifications, I've
16 conducted -- total number now is 13 -- instructor
17 certifications in force related topics; teaching everything
18 from open hand control tactics, intermediate weapon, things
19 like impact weapons or less than lethal weapons, like OC,
20 pepper spray, conducted electrical weapons. I also -- my
21 certifications include tactical handgun, law enforcement long
22 gun and handgun, tactical shotgun.

23 Certification -- the reason it's confusing to say is
24 because there's education and certifications, instructor
25 certifications in what we pursue, and I also went through

1 force science -- Force Science Institute is dedicated to
2 providing force related training for law enforcement. And I
3 had the honor of becoming a force science analyst where I was
4 certified to review and evaluate force events involving law
5 enforcement, and better understand the totality of what took
6 place.

7 So certification-wise, I'm no longer a certified police
8 officer in Florida, but I still hold the instructor
9 certifications that relate to use of force topics.

10 Q. Can you tell the jury a little bit about your work
11 history, Dennis?

12 A. Can I give you the shortened version?

13 Q. Please, yeah. Just hit the highlights for us.

14 A. I started my law enforcement career in 1989. I started
15 my career with the City of Riviera Beach Police Department in
16 Riviera, Florida. And I had the opportunity while with them
17 to become a lead defensive tactics instructor, to become an
18 impact weapons instructor. I also -- I was assigned primarily
19 road patrol duties, and I was on our shift traffic unit, and I
20 also served as a field training officer for the Riviera Police
21 Department while I was there.

22 Following that -- did you want me to just go ahead --

23 Q. Just a little bit more for them.

24 A. I worked with the Jupiter Police Department for a short
25 time where I also served as a lead defensive tactics

11:18:16 1 instructor for that agency.

11:18:16 2 COURT REPORTER: I'm sorry, can you slow down,
11:18:23 3 please?

11:18:23 4 A. Okay. I'm sorry. Trying to be brief for you. Jupiter
11:18:29 5 Police Department where I served as the lead defensive tactics
11:18:33 6 instructor for that agency, and then I also worked with and
11:18:35 7 retired from the Martin County Sheriff's Office where I had a
11:18:40 8 variety of topics, or job duties; everything from detective,
11:18:46 9 canine, traffic, DUI unit, patrol. I was also the agencies --
11:18:51 10 one of the agencies auxiliary trainers for force related
11:18:55 11 topics, as well as their use of force specialist. That was
11:18:59 12 the title that was given to me. I was responsible for
11:19:02 13 reviewing all of the use of force events; creating and
11:19:05 14 implementing force related training, working other trainers.

11:19:08 15 I also had the opportunity of being the supervisor of the
11:19:12 16 sanctions enforcement unit and I, after retiring from
11:19:16 17 full-time law enforcement, I also worked in a part-time
11:19:20 18 capacity with Palm Beach Shores Police Department where, once
11:19:23 19 again, I took care of training. And I was also named the
11:19:28 20 Director of Internal Affairs and Training for the agency.

11:19:34 21 Q. Can you tell the jury a little bit about, you know, in
11:19:37 22 your retirement, your current jobs that your wife claims that
11:19:42 23 you have, and the responsibilities?

11:19:44 24 A. Well, and again, retirement is a euphemism for me. My
11:19:50 25 wife tells me I work more now than when I was actually in law

1 enforcement. But what I do now is, my job consists of --

2 originally consisted of face-to-face training, but obviously
3 with Covid over the last year, all the face-to-face training
4 had to stop.

5 So I developed and created online training programs and
6 got those up and running. I currently provide online training
7 for force investigations, for professional investigators, law
8 enforcement, where they can take a class online to become
9 certified through me, through the force investigations
10 program. And I have additional training programs. And I
11 basically converted the school from primarily all in-person to
12 being online.

13 In addition to that, I do the expert consultant work and
14 also testify as an expert witness.

15 Q. What education have you had in terms of the use of force?

16 A. Like I said before, now we are getting back to
17 certifications and where education goes through. I have been
18 through -- my entire career was dedicated to attending schools
19 and training. I've been through training for use of force, or
20 force science, became an analyst, dynamic encounters where I
21 also became instructor for dynamic encounters.

22 Active shooter, taught our active shooter program.

23 Handgun, long gun, open hand control tactics, tactical
24 communication, which is referred to as verbal judo. It's
25 interpersonal communication for law enforcement and how to

1 interact with people, and hopefully deescalate events.

2 All the weapons system. I have also been through
3 investigation training, criminal investigations; most recently
4 I just completed a critical death and serious bodily injury
5 investigations program, as well as investigating video as it
6 relates to force events.

7 And to be honest, my CV, rather than bore you with trying
8 to break it all down, there is a ton of training on there and
9 after almost three decades of going to schools and attending
10 training, I don't think I could possibly list all of them
11 sitting here from memory.

12 Q. Have you done any writing on the topics of use of force?

13 A. I've written articles, I've also authored three
14 instruction manuals for the instruction level programs that I
15 have created now for impact weapons, excited delirium
16 instructors, also for OC aerosol instructor, and I've also
17 authored my own book called Force Concepts. It's a definitive
18 guide for separating self-defense from criminal action. And
19 that I have published recently.

20 Q. Have you made any television appearances relating to use
21 of force by officers?

22 A. I've been sought after and interviewed as an expert
23 witness for force related events on major and national and
24 local news media outlets. I've had news appearances as well
25 as television show appearances where I was asked to explain

1 weapons systems for local TV programming to hopefully bridging
2 the gap between the community and law enforcement. And I have
3 also appeared on Cops a few times. The TV show. That wasn't
4 by choice, that was actually forced by the agency.

5 Q. Mr. Root, so any commendations other than being on Cops,
6 that you received as a police officer?

7 A. Throughout my career I received many letters of
8 recommendation and commendation. Probably one of the best
9 ones, while I was employed with the Riviera Beach Police
10 Department, I received letter of commendation for apprehending
11 armed -- there was four armed -- they were actually strong arm
12 robbery suspects, and I was just actually finishing field
13 training on my own and apprehended them on my own, and
14 actually took four armed men out of a vehicle with the
15 assistance of the other officers once they arrived, and got a
16 commendation for that.

17 I'm sure there were other accolades that came along for
18 community participation and, you know, just doing whatever I
19 could do to be a part of the community policing efforts.

20 Q. Any professional organizations that you belong to,
21 Mr. Root?

22 A. I try to maintain associations with different
23 professional groups. I know I have a membership with the
24 International Association of Chiefs of Police.

25 Oh, sorry I'll slow down.

1 Also the National Sheriff's Association. .I'm proud to
2 say now that I'm a Tennessee resident, I'm a member of the
3 Tennessee Sheriff's Association. I also have associations
4 with Budo Renmei, which is a martial arts organization, and I
5 have associations with other state-level and national-level
6 professional investigator associations.

7 MR. UMINA: Your Honor, at this time, I move that
8 Dennis Root be qualified as an expert witness in the use of
9 force by law enforcement officers.

10 THE COURT: Any objection or further voir dire?

11 MS. DURST: No objection, Your Honor.

12 THE COURT: All right. Thank you. Motion granted
13 without objection, Mr. Umina, and Mr. Root will be considered
14 qualified as an expert witness in this case.

15 Ladies and gentlemen of the jury, Mr. Root, as I
16 mentioned, is now qualified in the fields mentioned to serve
17 as an expert witness.

18 And what that means is he is permitted, under the rules
19 of evidence, to share opinions with you, whereas nonexpert
20 witnesses are not usually permitted to share their opinions
21 with you.

22 With that said, Mr. Umina, you may proceed, sir.

23 BY MR. UMINA:

24 Q. Mr. Root, you have now been deemed by the Court to be an
25 expert in the field of use of force by law enforcement. As

1 such, do you have an opinion that you hold to a reasonable
2 degree of certainty customary in your field, as to whether or
3 not the defendant's use of deadly force when he shot and
4 killed Philip Rhoades, was or was not objectively reasonable?

5 A. I do.

6 Q. And what is that opinion?

7 A. My opinion is the use of deadly force by Deputy Forsyth
8 was not objectively reasonable.

9 Q. Mr. Root, let's talk about the basis for your opinion.

10 Did you utilize your knowledge, training, and experience, as
11 discussed earlier, in forming your opinions?

12 A. Yes.

13 Q. What information did you review in forming your opinion?

14 A. The information I was provided in discovery included
15 written statements, written transcripts of the interviews,
16 audio recorded -- audio recordings of the interviews of both
17 Deputy Love and Deputy Forsyth. The West Virginia State
18 Police investigation report, as well as all of the attached
19 documents with that.

20 I also reviewed deposition statements from all the
21 parties involved. I reviewed crime scene photographs. There
22 was radio traffic that was provided. There was a tremendous
23 list of information that was provided in case discovery, as
24 well as there was information provided by a professional
25 investigator that you had hired that actually went out to the

11:27:30 1 scene and conducted an independent investigation of the scene
11:27:33 2 itself.

11:27:34 3 Q. Have you had -- you mention the site. Have you had an
11:27:39 4 opportunity to visit the scene of the shooting since providing
11:27:42 5 your written opinion and being deposed in this matter?

11:27:45 6 A. Yes, I have.

11:27:45 7 Q. Did your visit to the scene of the shooting change any of
11:27:50 8 your opinions?

11:27:51 9 A. No, not at all. As a matter of fact, it literally
11:27:56 10 strengthens the positions that I hold with the opinions that
11:27:58 11 I've expressed.

11:27:59 12 Q. Mr. Root, I'd like to talk to you about the term, "arena
11:28:03 13 of performance." Can you please explain to the jury what an
11:28:06 14 arena of performance is?

11:28:08 15 A. The arena of performance is the area in which an event
11:28:13 16 takes place. So when you -- if you consider a sporting event,
11:28:18 17 the arena of performance would be the football field, the
11:28:21 18 baseball field. It's the area that the event is going to take
11:28:24 19 place in.

11:28:25 20 So we use that as a term to identify the area in which,
11:28:30 21 for example, a force event, the arena of performance, what was
11:28:34 22 the total area available for the event to have taken place as
11:28:37 23 described by the people who either witnessed or participated
11:28:40 24 in the event?

11:28:43 25 Q. And in this case, what was the arena of performance?

1 A. The arena of performance, as you heard from testimony,
2 was the end of a long access road leading to a gas well site.
3 And the gas well site is essentially -- a bowl would be the
4 best way to describe it. It is roughly -- based on the -- and
5 we'll see these shortly in one of the photos I'll show you --
6 it has roughly been estimated about 33 -- a little more than
7 33 feet wide and approximately 46 -- a little more than
8 46 feet deep. So that's the total area or arena of
9 performance. And that also includes some of the obstructions
10 that were present at the time.

11 Q. Mr. Root, did you prepare any visual aids for the jury to
12 better assist them in understanding this concept?

13 A. I did as of this morning. I tried to put some things
14 together for you so that after the testimony, that I would
15 also be able to provide some of the stuff you've already heard
16 and bring it in with the photos that we've received and that
17 you've already seen.

18 Q. Okay. Would you like to utilize those visual aids at
19 this time?

20 A. Yes, that would be great. If I turn the clicker on it
21 will work better. Sorry. My apologies.

22 THE COURT: Ladies and gentlemen of the jury, are you
23 able to see the screen well enough or do we need to dim the
24 lights?

25 Mr. Umina, you may proceed, sir.

11:30:38 1 BY MR. UMINA:

11:30:39 2 Q. Dennis, you may discuss your visual aid here.

11:30:42 3 A. The first thing -- one of the most important things
11:30:45 4 whenever somebody is going to review, assess, or evaluate a
11:30:49 5 use of force, we take in all of the case information; the
11:30:52 6 discovery, the statements, the videos -- if any videos are
11:30:55 7 present -- and I want to assure you that that is not the case
11:30:59 8 here. I'm just identifying some of the things that would be
11:31:01 9 included. And we look at the arena of performance, the area
11:31:05 10 the event could take place in. And then we also consider the
11:31:08 11 window of time. In other words, the window of opportunity.
11:31:11 12 Could everything have taken place within a designated period
11:31:14 13 of time?

11:31:15 14 And these are all elements that we obtain through
11:31:19 15 statements made by the witnesses, or individuals who are
11:31:21 16 involved directly with the event, or we get it through
11:31:25 17 documentation that's been conducted later. For example, crime
11:31:29 18 scene photographs, diagrams, things like that; people that did
11:31:32 19 the investigation or performed the investigation on the event.

11:31:35 20 And it's important for us to understand this because in
11:31:39 21 the use of force event, the average person -- we don't really
11:31:44 22 think about how long it takes for us to do just normal,
11:31:48 23 everyday activities, like standing up or walking around. We
11:31:51 24 take for granted periods of time. But when you look at a
11:31:54 25 force event and the stress of an officer, that -- the stress

11:31:59 1 that an officer experiences during a force event, time becomes
11:32:03 2 very relative to the people that are reviewing it, but it's
11:32:07 3 not an easy concept for the individual that is actually
11:32:09 4 involved in the event.

11:32:12 5 So what I wanted to try to do was provide the time and
11:32:16 6 distance considerations that I used to evaluate and assess and
11:32:21 7 in forming the opinions that I have, based on what we've seen
11:32:23 8 in discovery, as well as what has been presented
11:32:26 9 with testimony here during the trial.

11:32:33 10 This is one of the first drawings. This is -- this is
11:32:37 11 the first drawing that I received as related to the case.
11:32:41 12 This is the diagram that was created by Sergeant -- excuse me,
11:32:45 13 Lieutenant Branham at the time that he conducted his force
11:32:51 14 investigation. And what's really important on this, and I
11:32:54 15 want to point out a few things.

11:33:01 16 Excuse me, Your Honor, I was trying to turn on the light
11:33:03 17 and I realize it's right in front of me. I apologize.

11:33:06 18 THE COURT: Hold on one second. You can -- that
11:33:08 19 monitor that you have there is on, and honestly -- and I
11:33:13 20 believe this to be the case, if he touches the screen it will
11:33:16 21 mark -- yes. You can use your finger to mark up as well.

11:33:22 22 THE WITNESS: Thank you. Technology is great.

11:33:23 23 THE COURT: Well, we'll keep our fingers crossed that
11:33:26 24 it works.

11:33:27 25 THE WITNESS: I'll stick with the PowerPoint then.

11:33:29 1 THE CLERK: Judge, it will work. Well, there is a --
11:33:33 2 I have to find it.

11:33:34 3 THE WITNESS: I've got it on PowerPoint, thank you
11:33:36 4 though, just in case I went old school on the PowerPoint.

11:33:41 5 So the first thing that I would like to do, you will
11:33:42 6 notice in the very middle of the bowl, if you will, in the top
11:33:47 7 right corner, there is a black smudge, and I'm going to see if
11:33:51 8 I can get this laser to work. Right there. Do you see that
11:33:56 9 right there? That black smudge. I don't know -- it's not
11:34:05 10 referenced in the narrative. It's not described. It wasn't
11:34:08 11 actually referenced at any point, so I'm not sure what it's
11:34:12 12 representative of.

11:34:14 13 You heard testimony that -- and it was included in
11:34:18 14 photographs -- that there was a pipe sticking out of the
11:34:20 15 ground there. But I don't know that to be the case. So I
11:34:24 16 wanted to be honest with you, I ignored that in the review of
11:34:27 17 the diagram only because you will notice also, and we'll see
11:34:31 18 pictures here in a minute, the diagram doesn't include any of
11:34:35 19 the gas well -- any of the gas well equipment that was present
11:34:39 20 on the scene within the confines of the diagram that was
11:34:42 21 presented, so I can't say with certainty that that black
11:34:45 22 smudge is a pipe. So I wanted you to know that it's not
11:34:49 23 relative to what I am reviewing. But I think it's important
11:34:53 24 for you to know what I also ignored and why I ignored it.

11:34:55 25 So one of the first things you'll see when you look at

1 the diagram, directly behind the vehicle, there are what
2 appear to be linear marks that could be interpreted as being
3 quote unquote, "acceleration marks."

4 Now, why I do say acceleration marks? Because the
5 statements that were provide by Deputy Forsyth was that the
6 vehicle was moving towards him. If they were deceleration
7 marks, it would have been because the vehicle was stopping.
8 So the interpretation of the diagram is that those would be
9 acceleration marks. And the reason that this is important, is
10 if you look at the angle of the diagram, those marks lead
11 right to the back of what would be the Jeep as it was drawn at
12 this location.

13 The problem is -- oh, I guess it's caught up in this
14 circle -- please ignore the red things to the right. That was
15 my demonstration by Madam Clerk.

16 These lines are not articulated in the narrative of the
17 report nor are they indicated at any point as being ground
18 disturbance; up until recently, you heard testimony that they
19 believed there was ground disturbance.

20 One of the reasons that this is important for us now to
21 review, and the reason I'm bringing this to you, is this is
22 new information that is actually from testimony that I needed
23 to make sure I included when Mr. Umina asked me.

24 Sorry.

25 When Mr. Umina asked me if my scene examination changed

1 anything. It hadn't, but I also had to take into
2 consideration the statements that I've heard made during the
3 testimony.

4 You'll notice that what we heard testimony on, where
5 Lieutenant Branham was -- it was pointed out that those marks,
6 ground disturbance, they think might be ground disturbance in
7 the images that you saw, were linear and perpendicular. They
8 weren't in line with the placement of the vehicle. So that's
9 something that I have to look at, review, and evaluate, and
10 they were never mentioned and I'm going to show you the
11 photographs. Another key point. This shows two distinct
12 linear lines. Even in the photographs that were used
13 yesterday to demonstrate maybe ground disturbance, there was
14 only one. I'll show you that in a moment.

15 Also, really important, down here, and I know it's very
16 difficult to see, in that black area there are two letters,
17 it's R and P. RP. Reference point. This is where Lieutenant
18 Branham identified that he took the measurements from the berm
19 at the end of the access road to the location of the evidence,
20 being the vehicle, within the scene. A, B, C, and D, you
21 heard Lieutenant Branham state that those marked the center
22 wheels of -- they marked the wheels of the vehicle.

23 When you do a diagram with a vehicle, you mark the two
24 wheels so that you can put the vehicle back in its place later
25 so you can recreate the scene. The problem is when you go

1 from RP up to A, and then up to B, you'll notice that it's not
2 a straight line. It's going to require you to curve around a
3 corner.

4 Well, if I take a measurement on the same area, but I
5 take a different path than you did with a curve, the arc could
6 be different and we could actually literally put the evidence
7 in the wrong spot because we're not taking the right markings.
8 So this became important to me when I reviewed the information
9 because there is not a reliable way to get the vehicles or the
10 information back to its location.

11 Also, you will notice the next two things, and I know
12 it's very difficult to see, these are distance measurements.
13 So let me try to bring it in a little closer for you. The
14 first one, the lower one, it actually reads 212' 3". I know
15 yesterday we heard testimony that it was 213 feet. It's a
16 matter of inches different, but it's really important because
17 when we talk about time and distance, the length of that
18 road -- in a moment you're going to see how important the
19 length of that road truly is.

20 So Lieutenant Branham identified the length of that road
21 being 212' and 3". He also, the next number up he has 5'9".
22 At first, I thought it was 6'9", but when you actually look --
23 I know it's blurred out and blurred out more here, it's
24 difficult -- but it's actually a 5, I believe he meant 6'9".
25 And the reason I say that is the actual width of a 2011 to

11:40:10 1 2017 Ford Explorer Police Interceptor is six and a half feet
11:40:17 2 wide. So if it was a 5'9" wide area, the vehicle wouldn't
11:40:20 3 have fit down the roadway. Or if it did because of
11:40:25 4 over-brush, the speed of the vehicle would have caused
11:40:28 5 different kind of transfer marks to the side of the vehicle
11:40:30 6 that would have been evidence to show whether the vehicle was
11:40:31 7 moving slowly or quickly.

11:40:34 8 For example, anybody that's drove through brush like I
11:40:39 9 have now because I live in Tennessee, the slower you go when a
11:40:42 10 branch is touching your vehicle, the less damage the branch
11:40:45 11 does to your vehicle. The faster you go, friction, drag and
11:40:47 12 all of that along with it causes more damage. So those would
11:40:50 13 be very important information for us to have when we review
11:40:54 14 the event.

11:40:56 15 All of that brings me to here for you. I know it was a
11:40:59 16 long road to get here. When you look at timing distance as it
11:41:06 17 relates to a use of force event, we know that --

11:41:10 18 MS. DURST: Your Honor, may we approach?

11:41:12 19 THE COURT: Sure.

11:45:23 20 (Bench conference outside the hearing of the jury.)

11:45:23 21 THE COURT: Yes, ma'am.

11:45:23 22 MS. DURST: Yes, Your Honor, Mr. Root was qualified
11:45:23 23 as a use of force expert. These are calculations that a
11:45:23 24 reconstruction expert does. He has testified in his
11:45:23 25 deposition he is not an accident reconstructionist or shoot

11:45:23 1 scene reconstruction expert.

11:45:23 2 I need to slow myself down, too.

11:45:24 3 And these, I don't believe these calculations were
11:45:24 4 provided as part of any expert report in this case either. So
11:45:24 5 I think for those reasons, this information should be
11:45:24 6 excluded. He is not -- that wasn't the field he was qualified
11:45:24 7 in.

11:45:24 8 THE COURT: I understand. At this point we are
11:45:24 9 dealing with mathematic calculations. Was any of this
11:45:24 10 disclosed?

11:45:24 11 MR. UMINA: Your Honor, what he is getting to is
11:45:24 12 based upon the radio traffic that we obtained yesterday, and
11:45:24 13 the timeline of events. This is basic, simple math. And what
11:45:24 14 he is attempting to do is to determine how much time, based
11:45:24 15 upon this very simple math, could have elapsed based on radio
11:45:25 16 transmissions and based on the claims that Deputy Forsyth
11:45:25 17 actions that he took.

11:45:25 18 So all of these individual actions that he indicated that
11:45:25 19 he took in this time frame, we're trying to understand the
11:45:25 20 time frame. I think he just explained that very thoroughly.
11:45:25 21 He is not up here doing trigonometry. This is, I mean, maybe
11:45:25 22 sixth grade math, fifth grade math.

11:45:25 23 THE COURT: Careful, you are about to insult the
11:45:25 24 Court. Was any of this discussed in his reports, supplemental
11:45:25 25 reports?

11:45:25 1 MR. UMINA: He made a number of mentions about the
11:45:25 2 issues with the time, based on what they stated. The
11:45:26 3 defendant and Corey Love have given multiple inconsistent
11:45:26 4 statements about what occurred. So we had to come into trial,
11:45:26 5 hear what the defendant was going to say this time -- take
11:45:26 6 Corey Love's deposition testimony, and then for him to give --
11:45:26 7 and he is going to in this opinion -- give Mr. Forsyth every
11:45:26 8 benefit of the doubt and give him as much time as possible.
11:45:26 9 And that is what we are getting to. Most certainly he is here
11:45:26 10 to analyze a force event.

11:45:26 11 THE COURT: Are we getting any further down the road
11:45:26 12 of beyond --

11:45:26 13 MR. UMINA: Not knowing beyond -- and I -- we
11:45:26 14 discussed this in Mr. Faulkner's testimony and the very same
11:45:26 15 graph, I believe, was presented in front of Mr. Faulkner
11:45:26 16 during his testimony, so -- and so I believe that we have
11:45:26 17 discussed this very concept with Mr. Faulkner, and certainly
11:45:26 18 he reviewed his deposition.

11:45:26 19 THE COURT: I understand your objection, Ms. Durst.
11:45:26 20 I don't think we are in the realm of reconstruction yet of
11:45:26 21 either of the two mentioned. You are obviously going to --
11:45:27 22 cross with respect to his level of expertise in this realm.
11:45:27 23 But I do think we are in a mathematical formula, which is not
11:45:27 24 an opinion. It's math science, but obviously you can cross
11:45:27 25 him on that front. Objection overruled at this point.

(Bench conference concluded, and the following transpired in open court.)

BY MR. UMINA:

Q. Mr. Root, you may continue where you left off.

A. Based on the information provided from the investigation into the event that took place, there is an access road, and that access road's distance is approximately 212 -- well, the distance was measured to be 212' 3" by Lieutenant Branham.

That is an important element as we move through the assessment and evaluation in forming the opinion that I have. When you look at how long it takes to move down 212 feet -- now I rounded this down to the speed computations just to save myself some headaches with math, but if you traveled 200 -- if he traveled the length of that -- from the road to the entryway to the gas well site at five miles an hour, it would take 29 seconds to get down the road.

If you did it at ten miles an hour, it would take 14 seconds. The numbers you see to the right are the actual numbers, -- I just rounded them to the nearest whole number -- would take 14 seconds. And as you see, as you progress, the faster you are going, the less time it would take to get down the road. I know that seems obvious, but what's really important is when you look at the road in and of itself, whether or not a vehicle could move at a given speed without problems, and what those speeds would cause with regard to

changes in physical evidence, I know that you saw a picture of tire -- you know what, I think, if you don't mind, I know we're going to show photographs. I will address that for the convenience of the jury, so they can better understand when they can see the pictures.

Q. Absolutely.

A. So this is an element that the expert has to evaluate and assess when they are forming that opinion; how long will it take for this action to take place for this portion of the event? I'm -- I'm sorry. We're going to transition to another picture.

Now that we are down the road, I want to go into the evaluation and assessment of the gas well site, in and of itself.

Q. You need a single slide?

A. Yes. It's one image of the investigator's diagram.

Q. And just to be clear, Dennis, did you review this diagram prior to providing your written opinion and being deposed in this matter?

A. Yes. This one was prior to also. So this is a diagram that was done by the professional investigator that went to the scene after the event. What you'll notice here is in the very bottom of the -- well, again, in the very bottom of the diagram, there is a width that shows the road was about -- it was like eight feet wide. That's the measurement of the road

11:49:15 1 that the investigator found.

11:49:18 2 He also -- when you look to the right of the roadway,
11:49:21 3 you'll see the long arrows that say 213' 6". That's how far
11:49:28 4 he measured the road to be, and they are within just a little
11:49:32 5 more than a foot of each other. But that's why it's so
11:49:35 6 important to have fixed reference points, because you can be
11:49:37 7 measuring the exact same location, but if you are not
11:49:40 8 measuring from the same point you don't get the same
11:49:42 9 information.

11:49:44 10 What this investigator did, was something that wasn't
11:49:48 11 done prior, is he identified the width as being 33 feet, a
11:49:53 12 little over 33 feet wide, and from the entry point, in other
11:49:58 13 words where the bowl begins at the end of the access road, to
11:50:02 14 the embankment or the berm-type thing that you see in the
11:50:07 15 pictures, is only 46 -- a little over 46 feet. 46' 7".

11:50:14 16 The other thing that he's done, he used the actual
11:50:18 17 plumbing or piping that was there at the gas well site as
11:50:21 18 fixed points of reference to measure to other evidence that
11:50:25 19 was on the scene.

11:50:26 20 For example, he found spent casings to the right and he
11:50:31 21 took measurements from those. Those are the numbers you see
11:50:34 22 up in the upper, right-hand corner, and those become important
11:50:38 23 in the element of, those help us, in a way, to position where
11:50:41 24 an officer may have been at the time they discharged their
11:50:45 25 firearm. And he also included, if you look to the left side

1 of RP1, which is about the eight o'clock position on the
2 circle, you will see a lone pipe sticking up out of the
3 ground. So he actually diagramed it and tried to include the
4 locations of things within that arena of performance.

5 Go to the pictures.

6 Q. Okay.

7 A. In my opinion, and this is why it is so important, and I
8 know this type of stuff might get tedious, so I apologize, but
9 when you look at a force event, you have to take in the
10 totality of everything that has been presented to you. It's
11 not about just one piece over another. It's about looking at
12 everything and assessing it. Evaluating it. Part of the
13 force event, in forming the opinion, I had to consider
14 statements made by all parties who had firsthand knowledge of
15 the event.

16 In this particular matter, that would be Deputy Forsyth
17 and Deputy Love. Their statements are what we must consider
18 when we look at the arena of performance. They're the ones
19 that are providing us with what they perceived to have taken
20 place. So you have the arena of performance, you have the
21 window of time, the window of opportunity for the event to
22 take place, now you take the information provided by the
23 individuals, and the information collected through a scene
24 examination, which was the investigation that was done by the
25 responding law enforcement agency, and you put them together.

1 And you want to see how the information that's provided by the
2 witnesses or the people involved in the event match up with
3 the physical evidence that was left at the scene, to create
4 the entire picture and form the opinion that I made.

5 So I'm looking at these pictures. This is the first
6 picture you've already seen. I'm going to try to -- I'm going
7 to try not to speak too quickly. But I'm going to try to move
8 through these so -- more rapidly since you've already seen
9 them. This is the entry point. This is the area just outside
10 the access road. And off to the left somewhere you will see
11 there is a little flower. I'll try to point it on the screen
12 up here. In this area somewhere, I believe based on the
13 diagram that the lieutenant created, is the berm or that he
14 used as a reference point.

15 One of the important things in reviewing the opinion or
16 in reviewing the case, was this particular curve as it was
17 described, was a very sharp curve, so when the officers made
18 the curve, the access road would have been behind them. And
19 that's what the testimony was, was the access road was back
20 there and they had to go back to the access road. So that's
21 an important element in reviewing the time element.

22 Well, here's one of the pieces of the puzzle. They had
23 to return back to where they believe the vehicle may have cut
24 off to.

25 What's important about this photograph is when we look at

1 speed, the faster a vehicle goes through an area, different
2 types of ground disturbance. We obviously see that a vehicle
3 came through here, and very distinct tire impressions. The
4 lieutenant took a good picture to show that you can see the
5 tread marks in the mud identifying the vehicle had passed
6 through here.

7 Now we're getting to the arena of performance. And this
8 is an area that really has to be reviewed, assessed, and
9 evaluated in its entirety. In this photograph, I looked --
10 there is obviously, -- you can't see the Jeep yet, but you do
11 see the patrol vehicle. We're closer to where the hedge line
12 is now opening up and it's beginning to open to our left-hand
13 side. Still cannot see the Jeep.

14 This is out of sequence.

15 Now we move just a little bit closer, or it is possible
16 that Lieutenant Branham moved more to the right. I'm not sure
17 how this image came in, but this is the general position to
18 the opening of the gas well site, and you get to first see the
19 Jeep off to the left-hand side.

20 The distance, 15 feet. Again, distance and time is
21 relative. 15 feet from where? If we are in the vehicle
22 sitting in the access road and we say that the Jeep is located
23 10 to 15 feet off to our left, we would expect the vehicle to
24 be 10 to 15 feet, which is similar to where you see it in this
25 position right here. And that was what was said, but the

1 distance was of the vehicle at the time that they entered the
2 gas well site.

3 When we look at this photograph, to the right side on the
4 ground is the pipe that's sticking up out of the ground. And
5 that is actually an exceptionally important piece of physical
6 evidence at the scene. When I say "evidence" it's something
7 that has to be taken into consideration when reviewing and
8 evaluating the arena of performance, because it limits the
9 ability to do certain things.

10 What this image is showing us with the vehicle placement
11 directly behind it, and I want to see if I can get to one
12 that's -- visually we see that the vehicle, from the side, is
13 pressed up against the brush line and it is forward, and we'll
14 see it in another photograph. It is forward of the brush line
15 behind it.

16 If you look behind the Jeep at this point, directly
17 behind the Jeep where the foliage becomes dark and tall,
18 that's the ditch line. This is the image that -- I believe
19 these were the two images that were used yesterday during
20 testimony about identifying potential examples of ground
21 disturbance.

22 You may look at -- and I'm going to use the pointer up on
23 the big screen to try to identify the location, and then you
24 can look on your small screen. This area right through here
25 appears to be a linear line along the edge of -- it's on just

1 the Jeep side of that pipe. But when you look at that line in
2 alignment with the tires of the Jeep, it doesn't line up.
3 That's one.

4 Two, there is only one of them. So if the diagram that
5 Lieutenant Branham created was accurate, there's no pairing
6 line. Not to mention there was testimony across the board
7 that there was -- or there was statements made across the
8 board that there was no evident ground disturbance. But
9 you'll also notice to the right of the Jeep and behind it
10 where the foliage is tall, that's where the ditch line is.

11 The distance between the Jeep and that ditch line was
12 never measured. We can only visually estimate it off of the
13 pictures. So I have to look at it and figure, you know, you
14 look at a Jeep, the Jeep's, I don't know, 13 to 16 feet long,
15 I'd have to look up the specifics on the Jeep, but the Jeep,
16 it's at least, I would say, a Jeep and a half away from the
17 ditch line. Maybe. Depending on the angle.

18 This is just a better shot showing that that ground
19 disturbance that's off to the side doesn't line up with the
20 tires -- the rear tires especially, and there's no matching
21 ground distance, nor was there a photograph of any matching
22 ground disturbance in that regard.

23 This image is really important for me to review and
24 evaluate. When you look at this image of the Jeep, the front
25 tire of the Jeep is canted to the passenger side, meaning the

1 wheel of the Jeep was pointed toward the access road. If the
2 Jeep was backed straight up and was driving forward at the
3 time of the shooting, the wheel ended up being turned. Again,
4 that's if the Jeep was backed up. But this, to me -- we saw
5 in statements from Deputy Love, in his statement, that the
6 Jeep was sitting off 10 to 15 feet. His statement was that
7 the Jeep did not back up, it just drove forward.

8 Do you have any of questions for me on the pictures?

9 Q. Does -- in your review, did you find any evidence in
10 those photos that supported the defendant's claim of tires
11 spinning, or aggressive movement, acceleration of the Jeep, to
12 support what the defendant has stated?

13 A. There was no physical evidence of ground disturbance that
14 was supportive of rapid acceleration. The statement made was
15 "The vehicle came toward me in an aggressive manner." What
16 does that mean? How -- what is an "aggressive manner?" It
17 would be implied that it was coming toward me in a way that
18 was going to run me over, which implies speed. Acceleration.
19 Moving toward me. If the vehicle was just slowly gliding
20 forward, barely moving, it wouldn't really be considered a
21 threat; it would have to be moving or at least attempting to
22 begin to be moving very quickly.

23 You know, and the very graphic description which was
24 presented, the engine was revving, tires spun, came toward me
25 in an aggressive manner, okay, the engine revving, tires spun,

12:02:26 1 there is no ground disturbance in support of tires spinning.

12:02:30 2 Every surface has what they call a "drag coefficient." What
12:02:36 3 does it take to make a tire -- you know, how much friction is
12:02:39 4 there between a tire and the ground?

12:02:42 5 In a Jeep in a grassy area that's soft or has been
12:02:46 6 recently wet, the tire spinning is going to create ground
12:02:48 7 disturbance. It's going to create damage in the ground.
12:02:52 8 Another variable was the statement by Deputy Forsyth, was the
12:02:58 9 vehicle did not slow or veer. There's only two car lengths,
12:03:04 10 three car lengths maximum. If you're going off at an angle --
12:03:07 11 but unfortunately we don't know what the distance possibility
12:03:10 12 was because it wasn't taken. We have to go off of what we see
12:03:14 13 in the images and the information that we get from the parties
12:03:17 14 that are witnesses to the event. But there is no physical
12:03:20 15 evidence to support tires spinning and that rapid
12:03:24 16 acceleration. Nor does it take into consideration that if you
12:03:27 17 do get your vehicle moving up to a speed that is threatening,
12:03:32 18 even if you take it out of gear, what stops the vehicle from
12:03:35 19 continuing to go?

12:03:37 20 And a great example is Deputy Forsyth's vehicle.
12:03:42 21 Deputy Forsyth got out of his vehicle, and he left it in
12:03:46 22 drive. Obviously wasn't moving very fast because it coasted
12:03:51 23 forward until it experienced enough resistance from the ground
12:03:55 24 to stop moving. And it stopped moving, the photographs show
12:04:00 25 it stopped moving a couple feet shy of that, which tells you

1 at a slow speed it doesn't take far for the vehicle to stop
2 most. Well, it will take that much farther if the vehicle is
3 trying to accelerate to a rapid -- a rapid pace. But a bullet
4 won't stop a vehicle from moving. It may terminate the life
5 form in the driver's seat, but it doesn't negate the dynamics
6 of the vehicle in motion until the environment causes the
7 stop.

8 Q. In your review of the photos, just so the jury is clear,
9 what did the photos tell you, based upon Corey Love's
10 statement, when they pulled into the gas well site?

11 A. The photos represent exactly where Corey Love stated the
12 vehicle was at the time they entered the gas well site, 10
13 feet -- 10 to 15 feet off to the left.

14 Q. Was there a difference between the defendant and Corey
15 Love's account of what the vehicle was doing based upon your
16 review in this case when they pulled into the gas well site?

17 A. Well, there was a completely different review or
18 statements made. Corey Love stated that upon entering the gas
19 well site that the vehicle was off to the left 10 or 15 feet
20 sitting there.

21 Deputy Forsyth's statement said as they entered the gas
22 well site. The vehicle came forward almost striking them.

23 Now, that's an important thing because the vehicle is
24 already facing toward the exit road then. If it's coming
25 forward and almost striking me, the front end of the vehicle

1 is already pointing toward the road. Then the vehicle backed
2 up and came forward -- or excuse me, the vehicle backed up and
3 began doing its -- attempted a three-point turn, a modified
4 three-point turn, which a three-point turn by definition puts
5 you in a completely different direction. All of us have done
6 a three-point turn. The idea is, I need to turn around and be
7 going the other way.

8 The Jeep is already facing forward. I'm not really
9 certain -- why would he need to make a three-point turn?
10 But -- because if he's making that statement -- we have to
11 remember that small pipe sticking out of the ground also.
12 That's shown in the photograph. Well, if the vehicle is
13 backing up, its got to back up straight from where it was,
14 because otherwise it's going to hit the pipe unless he's able
15 to negotiate the distance between the pipe and the ditch line.
16 So then he says the vehicle came forward at him.

17 Well, Deputy Love was specifically asked, "Did the
18 vehicle back up?" And he said, "No. It did not back up. It
19 came forward."

20 Q. In your review of the evidence in this case, and hearing
21 all of the testimony thus far at trial, have you seen any
22 evidence to indicate that the Jeep was not in neutral at the
23 time the defendant utilized lethal force?

24 A. I can't answer a negative. What you're asking me is to
25 prove a negative, or look for something that shows a negative.

Whether the vehicle -- the evidence supports that the vehicle was not moving at the time of the shooting. That, to me, the evidence, the physical evidence at the scene, the vehicle placement, the vehicle wasn't moving at the time that rounds were discharged.

It's kind of like saying -- and I heard testimony, the question was asked, and I think it was an affirmative response, that there was no evidence the vehicle wasn't going forward. Well, no, there wasn't. That's proving a negative. That's not something, just like I won't answer your question on that, that's not something -- you can't prove a negative in that regard.

Q. And that's a great transition to us. What I would like to ask you about, is your take on Lieutenant Branham's testimony regarding the scene and some of the questions that he was asked by Ms. Durst.

First, let me ask you this question: Did any of Lieutenant Branham's testimony yesterday do anything to alter your opinion in this case?

A. Absolutely not.

THE COURT: Mr. Umina, if I could interject, whenever you think you're at a good point to take a break, if you wouldn't mind letting us know, since we're creeping up on the usual lunch hour.

MR. UMINA: Absolutely. I'll just work through a

1 couple more questions here, Your Honor, and then we can all
2 get to lunch.

3 THE COURT: Understood. Before I pass the mic to
4 you, can we turn our lights back up?

5 MR. UMINA: Please.

6 THE COURT: Mr. Umina, you may proceed, sir.

7 BY MR. UMINA:

8 Q. Mr. Root, yesterday the defendant's counsel asked
9 Lieutenant Branham to effectively prove a negative.

10 Is that a safe statement?

11 A. Yes. Well, she asked him if there was any evidence -- I
12 don't want to say that she asked him to prove a negative, she
13 asked him if there was any evidence that the vehicle wasn't
14 moving forward, and he said no.

15 Q. In your review, Dennis, was there any evidence that you
16 found to support the claim that this Jeep was being used as a
17 weapon, in the manner that the defendant claims, against him
18 at the moment he was using force?

19 A. No. None. That's my point.

20 MR. UMINA: Your Honor, I think we can take a break
21 here, and then reconvene with Mr. Root.

22 THE COURT: All right. Thank you, Mr. Umina.

23 MR. UMINA: Thank you, Your Honor.

24 THE COURT: Thank you, Mr. Umina.

25 Ladies and gentlemen, we're at a point where we are going

1 to take a break so that you can grab something to eat for
2 lunch. It's about ten after 12. If I could ask you to be
3 back and ready to reconvene by 1:15. We'll get started at
4 that point.

5 My standing instructions remain, of course. Please
6 continue to refrain from discussing the case with anyone
7 including with any of your fellow jurors, amongst yourselves
8 in smaller groups, or anyone at all. And also please continue
9 to refrain from any independent investigation efforts.

10 Again, not only about this case, any of the issues that
11 may have been raised. With that said, we'll see you back here
12 at 1:15. Thank you all very much.

13 (The jury exited the courtroom at 12:11 p.m.)

14 THE COURT: Thank you all. Please be seated.

15 Mr. Root, we'll enable you to step down, sir. I will
16 give counsel a cover because you're still midstream on your
17 testimony, they can't talk to you outside of the courtroom.
18 So you're on your own for lunch, and for the next hour no one
19 is being particularly rude, they're just not allowed to talk
20 to you even though you are an expert witness.

21 With that you can step down. Feel free to leave
22 everything there. It will be on the witness stand until you
23 return. Thank you.

24 With that, Mr. Umina, anything we need to take up at this
25 point?

12:11:37 1 MR. UMINA: Nothing, Your Honor.

12:11:37 2 THE COURT: Ms. Durst, anything?

12:11:40 3 MS. DURST: No, Your Honor. Thank you.

12:11:41 4 THE COURT: All right. Thank you, counsel. We'll

12:11:41 5 see you back here at 1:15. We'll stand in recess until then.

12:11:46 6 Thank you.

01:18:51 7 (A recess was taken from 12:11 p.m. until 1:18 p.m.)

01:18:51 8 THE COURT: Counsel, anything we need to take up

01:18:52 9 before we bring in the jury?

01:18:56 10 MR. UMINA: No.

01:18:57 11 MS. DURST: No.

01:18:58 12 THE COURT: Sir, may we bring the jury in, please?

01:18:58 13 (The jury returned to the courtroom, and the following

01:19:24 14 transpired in open court.)

01:19:37 15 THE COURT: Thank you all very much. Please be

01:19:38 16 seated.

01:19:40 17 Mr. Umina, I believe we're ready to continue with

01:19:47 18 Mr. Root's testimony.

01:19:49 19 MR. UMINA: Yes, Your Honor.

01:19:49 20 THE COURT: If you would retake the witness stand,

01:20:13 21 sir. You continue to be under oath, sir.

01:20:15 22 Mr. Umina, you may proceed.

01:20:18 23 MR. UMINA: Your Honor, may I approach the witness,

01:20:19 24 briefly?

01:20:20 25 THE COURT: You may.

01:20:21 1 BY MR. UMINA:

01:20:21 2 Q. Mr. Root, I'm handing you a copy of your demonstrative
01:20:26 3 exhibit that demonstrates time and distance calculations. I
01:20:34 4 know it's tough to keep in your head.

01:20:37 5 Mr. Root, I would like to next speak with you about the
01:20:43 6 timeline that you have prepared for the jury. Do you still
01:20:48 7 have the clicker with you?

01:20:50 8 A. I do. Did you want me to turn it on?

01:20:57 9 Q. Yes, sir.

01:21:02 10 THE COURT: Would it be beneficial to dim the lights
01:21:04 11 a little bit?

01:21:05 12 Ladies and gentlemen, is it easier to see the large
01:21:07 13 screen if we dim the lights?

01:21:10 14 I see a yes or two, so let's do that, Madam Clerk. Thank
01:21:14 15 you.

01:21:17 16 BY MR. UMINA:

01:21:19 17 Q. Mr. Root, after hearing the evidence presented at trial,
01:21:24 18 including the radio transmission testimony, what have you
01:21:28 19 learned or been able to discern using your knowledge,
01:21:33 20 training, and experience, and the testimony in evidence that
01:21:36 21 you've heard here at trial?

01:21:37 22 A. I was able to establish a timeline for a window of
01:21:43 23 opportunity for the entire event to have taken place within.

01:21:49 24 Q. And did you prepare a visual aid today to assist the
01:21:49 25 jury?

01:21:53 1 A. I did.

01:21:53 2 Q. Can you please share with the jury your findings in this
01:21:58 3 regard?

01:21:58 4 A. Sure. Based on the testimony that was presented
01:22:05 5 yesterday, and the timeline that was provided, all the radio
01:22:08 6 transmission traffic, the overall event began at 2:43:08 and
01:22:17 7 it was listed as 1443:08, with 14 being 2:00 p.m., 43 and
01:22:23 8 8 seconds. So the timeline continuum, actually that was
01:22:26 9 presented through radio transmission recordings, gave us to
01:22:30 10 the seconds approximately.

01:22:33 11 So the overall event that drew Officer Forsyth's
01:22:38 12 attention to Mr. Rhoades began at 2:43:08. Bypassing all of
01:22:46 13 the interior information that was also included, because I
01:22:48 14 went through all radio traffic and just getting directly to
01:22:51 15 the part that preceded and followed the use of force event, at
01:22:57 16 2:53:04 the announcement came over that the vehicle cut off on
01:23:02 17 an access road or a trail.

01:23:04 18 I'm not saying this is exactly the statement that was
01:23:07 19 made by Deputy Forsyth. I was busy writing down the times and
01:23:12 20 trying to keep up, so those are just kind of like summaries of
01:23:15 21 what they said that transmission was about.

01:23:18 22 From 5304 to 5315, the next radio transmission is a
01:23:28 23 question that is being posed regarding where at a split, left
01:23:32 24 or right -- excuse me -- there was another deputy that was
01:23:35 25 posing a question that they talked about.

At 2:53:20, according to the radio transmissions, that's when the announcement was that shots were fired. So that would have been Deputy Forsyth getting on the radio and announcing shots fired. So we know the shooting had taken place.

Then seven seconds later at 5327, again, there's a radio transmission requesting medical treatment be sent to the -- to the location.

The force event, based on radio transmission traffic, had to have taken place between 2:53:04 and then completed by 2:53:20. That's a total -- I'm sorry -- that's a total of 16 seconds for the event to unfold.

Like I said earlier when you asked me about the opinion, what goes in it, the arena of performance, the window of opportunity, the time involved, the ability of people to complete tasks as identified through statements in comparison with the physical evidence at the scene.

This timeline allows the expert to evaluate the event in a realtime manner, to try to assess the probability or possibility of certain things being able to be done or not being able to be done.

So when you consider that 16 seconds, the clock started, for lack of a better term, that 16 seconds started at 5304. Following that radio transmission, Deputy Forsyth and Deputy Love would have had to travel 212' 3" according to Lieutenant

01:25:31 1 Branham's diagram information, to get from that berm area
01:25:36 2 which is the corner of where the intersecting road and the
01:25:39 3 access road go to, I think it was Parrish Run -- I get a
01:25:43 4 little confused on the names, but I think it was Parrish
01:25:46 5 Run -- to the entrance of the gas well site. So we have
01:25:50 6 212 -- a little over the 212 feet for that based on the
01:25:53 7 drawing from Lieutenant Branham.

01:25:56 8 Based on testimony, once the vehicle arrived at that
01:26:00 9 location, at the entrance of the well, even though initial
01:26:04 10 statements provided, Deputy Forsyth said he immediately exited
01:26:08 11 the vehicle. He testified that he didn't immediately exit the
01:26:14 12 vehicle. There was a pause. And it was at that time, during
01:26:17 13 that pause, that he observed the Jeep moving, doing its coming
01:26:22 14 forward, which is probably about the same time he is arriving.
01:26:26 15 You have to give him credit, it's not like it's just
01:26:29 16 stopgapped. These are -- some of these things are happening
01:26:31 17 all at the same time.

01:26:32 18 So vehicle is moving forward. We know that the vehicle
01:26:38 19 was moving forward, if we look at the testimony, at the time
01:26:41 20 he got out of the car based on Deputy Forsyth's testimony and
01:26:46 21 Deputy Love.

01:26:48 22 The next thing that happened in that timeline is
01:26:51 23 Deputy Forsyth gets out of the vehicle, moving to the rear of
01:26:54 24 his vehicle. That's followed by giving verbal commands. Now,
01:27:00 25 he could have been giving verbal commands as transitioning

back, he could have been pointing his gun as he moved -- you know, in the direction of the Jeep. He's making his observations also, because remember, he was very clear about seeing what the occupant of the vehicle was doing.

Well, if you're -- these are all happening potentially simultaneously, so we want to take into consideration, he's also making observations of what the driver or the occupant of the vehicle was doing.

Then he testified, his testimony is that the Jeep began moving forward in an aggressive manner, and he discharged his firearm seven times.

Now, based on his background, training, and experience, I want to give him the full benefit of being very proficient with the discharge of the weapon, meaning that he could get a round discharged in about a quarter second per round. That's pretty quick shooting. So you're looking at a second and a half just in the discharge timeline of the firearm.

Following the discharge of the firearm, he testified that he began to do a tac reload, but changed his mind before transitioning to clearing the passenger compartment of the vehicle.

The clock stops at the time he announces over the radio shots have been fired. What's not included in this timeline -- because, again, benefit needs to go to the deputy when doing the assessment and evaluation. I was not there. I

1 have to try to take into consideration what may or may not
2 have been happening.

3 What's not included is, he testified that once -- he had
4 to pause to let a vehicle go by. If that is included, if he
5 got on the radio and said he turned off and then he paused,
6 which was my impression, but I could be wrong on that, if
7 that's when he paused, and the vehicle went by, then he backed
8 up and went down the road, that's -- that would consume more
9 of that 16 seconds, but giving benefit of the doubt to Deputy
10 Forsyth, we'll say that he never got on the radio to say that
11 it's back here until after that vehicle had gone by.

12 Also, clearing the passenger compartment of the Jeep, I
13 presume that he would have announced "shots fired" before
14 that. He might not have, but if I include -- if I say, well,
15 he probably didn't, that would be my guessing, and that would
16 be adding something into the elements that need to be
17 considered, in my opinion, improperly.

18 Benefit needs to go to the deputy to make sure that I'm
19 assessing what could have happened in the timeline.

20 So we have 16 seconds for him to -- from the time he says
21 on radio about the cut off, to the time that he's announced
22 "shots fired," 16 seconds from beginning to end for this event
23 to have unfolded.

24 That would be the end of that.

25 Q. Based on the information you provided earlier, how much

of that 16 seconds could have been consumed due to the travel down that 212, 213-foot road?

A. Well, we don't know the exact speed that he went down that road. I mean, that was never investigated, articulated, or asked. Excuse me.

But the reason I showed you earlier on that one slide where we had time, you know, if the vehicle was moving at five miles an hour to cover that 212 feet, would take 29 seconds. If he was traveling at ten miles an hour, which is a pretty good clip down the dirt road, especially one like that as you saw overgrowth, and there's also where you see the mud sections, if he was traveling at ten miles an hour it would have taken 14 seconds to make it from that point to the entrance of the gas well site.

If he was traveling -- excuse me -- at 15 miles an hour, now he's down to ten seconds. At 20 miles an hour, he can make it down that length of road in seven seconds.

It doesn't appear -- when you look at the information that's provided in the photographs from Lieutenant Branham, those are very clear tread marks in the mud. And anybody that's driven in the mud, when you slide or when you hit mud, it's not always just a straightforward movement, there's a lot of extra things happening to the ground surface below your tire and it doesn't usually leave this perfectly beautiful tread mark.

01:31:54 1 But I feel it's important for us to look at what the
01:31:59 2 consideration is -- I -- I don't believe that his vehicle was
01:32:01 3 doing 20 miles an hour going down that access road because
01:32:04 4 here's why, because when you get down on that type of surface,
01:32:08 5 if you're suddenly stopping, well, what will you have then?
01:32:12 6 You'll have -- you could potentially have some kind of ground
01:32:19 7 disturbance, or not if he's stuttering the brake.

01:32:20 8 Again, all this has to be given credit to the deputy just
01:32:23 9 in case, you know, we're evaluating something incorrectly.
01:32:27 10 What I can tell you is the fastest he could get down there
01:32:31 11 would be in the 25 mile an hour mark, that would be six
01:32:36 12 seconds. So he would have ten seconds now to get to the end
01:32:41 13 of the road, pause, watch the vehicle moving around, get out
01:32:47 14 of his car and move to the rear, give verbal commands and make
01:32:51 15 observations of what's going on inside the car, and then have
01:32:53 16 the vehicle coming toward him when he discharges his firearm
01:32:57 17 and gets on the radio.

01:32:59 18 So if he was moving at 25 miles an hour down that road,
01:33:05 19 he would have ten seconds for all of those other activities to
01:33:11 20 take place. Anything less than that negatively impacts the
01:33:14 21 amount of time for the force event to have actually occurred.
01:33:17 22 Q. And do you recall the defendant stating that he stopped
01:33:21 23 to turn around prior to that? So he would have had to have
01:33:25 24 been coming from essentially a dead stop to 25 miles an hour
01:33:30 25 to make that possible on the roadway.

01:33:34 1 A. Correct. He would have -- he would have had to have
01:33:39 2 accelerated from where -- well, we don't know exactly where he
01:33:42 3 made that radio transmission. I am trying to give him the
01:33:45 4 benefit of the doubt that he was right at the road curve. Any
01:33:50 5 movement of his vehicle farther away from that road curve, if
01:33:54 6 the radio transmission takes place from -- heck, if you're
01:34:01 7 talking about 30 feet, 40 feet down the road, those are
01:34:04 8 seconds that will be added and taken away from the window of
01:34:07 9 opportunity within the gas well site.

01:34:10 10 But giving him full -- you know, law enforcement officers
01:34:16 11 have to make very hard decisions in split seconds. So when we
01:34:21 12 evaluate a force event, we have to give as much benefit of the
01:34:24 13 doubt to the officer as possible. So I put him as close to
01:34:28 14 the road, right where Lieutenant Branham made his measurement,
01:34:31 15 and did it from there.

01:34:33 16 Q. In hearing the testimony yesterday at trial, and hearing
01:34:37 17 the radio transmission, what has that done, if anything, to
01:34:43 18 your opinion? Has that changed your opinion at all?

01:34:47 19 A. No. Absolutely not.

01:34:49 20 Q. Has it --

01:34:50 21 A. It's strengthened -- it just reinforced what my
01:34:55 22 perception was of the event, and it added additional
01:34:58 23 information in support of that opinion.

01:35:00 24 Q. I'm going to turn now to the Marion County Sheriff's
01:35:09 25 Department's use of force policy regarding the use of lethal

01:35:09 1 force.

01:35:14 2 Did you review that policy prior to forming your opinion
01:35:18 3 in this matter?

01:35:19 4 A. Yes.

01:35:20 5 Q. I'm going to show you the section of that policy relating
01:35:29 6 to the use of lethal force.

01:35:55 7 Based upon this policy, Mr. Root, deputies of the Marion
01:36:03 8 County Sheriff's Department are permitted to use lethal force
01:36:06 9 when the deputy reasonably believes that it is necessary to
01:36:09 10 protect themselves or others from what they believe to be an
01:36:13 11 imminent threat of serious bodily injury or death.

01:36:17 12 Now, in this case, as you know, the defendant claims that
01:36:22 13 he was in imminent threat of serious bodily injury or death
01:36:27 14 due to the Jeep.

01:36:29 15 What is your opinion, based on all of the facts and
01:36:32 16 evidence that you've heard, regarding whether or not the
01:36:36 17 defendant violated this policy?

01:36:39 18 A. Well, considering -- my opinion is that the use of deadly
01:36:45 19 force in this event was not objectively reasonable. Which
01:36:50 20 also means it would be a violation of this policy because the
01:36:54 21 statements, the physical evidence, everything at the scene,
01:36:56 22 when looked at from a neutral perspective and evaluated for
01:37:03 23 what they are and how they're presented, do not support that
01:37:06 24 this Jeep was moving at the time of the shooting.

01:37:11 25 Plus, in that matter, the policy specifically prohibits

the use of deadly force from or at a moving vehicle absent exigent circumstances. And exigent circumstances, if someone is trying to run you over with a car, that could be an exigent circumstance. And it needs to be investigated and evaluated and verified that that is actually what took place.

Q. Did you rely --

MR. UMINA: We can take that down now, Mr. Prince. Thank you very much.

Q. Did you rely on any clearly established case law in determining whether or not the defendant violated Mr. Rhoades's constitutional rights when he utilized lethal force in this matter?

A. Well, it's -- this all falls under the *Graham v. Connor* -- the United States Supreme Court decision in *Graham v. Connor* which addressed the use of force by law enforcement as a whole. It wasn't specifically about deadly force. The Supreme Court decision in *Graham v. Connor* addressed the use of all force by law enforcement. And that was a guiding variable that I used because it addresses how the use of force is a Fourth Amendment issue and that's what I used in evaluating this case for constitutional reasons.

Q. And how did you apply the facts in this case to *Graham v. Connor*?

A. The *Graham v. Connor* decision is very clear. The court ruled that a use of force for law enforcement, because they're

01:39:00 1 forced to make split-second judgments in events that are
01:39:02 2 rapidly unfolding, very tense, uncertain, because they find
01:39:07 3 themselves within these environments and situations, when you
01:39:12 4 evaluate the use of force by law enforcement, you cannot do it
01:39:17 5 with the benefit of 20/20 hindsight.

01:39:20 6 You have to base that observation or that assessment on
01:39:24 7 what was known to the officer at that moment that they made
01:39:29 8 that horrific decision to have to discharge their firearm.

01:39:34 9 So the facts in this case, that's how I reviewed and
01:39:39 10 evaluated everything in the case. It's not 20/20 hindsight.
01:39:44 11 What does the case facts, what is the truth presented by the
01:39:47 12 case?

01:39:47 13 One of the other elements that's really important,
01:39:50 14 because in this particular matter, unlike many other force
01:39:56 15 events, the only witnesses to the event are the officers
01:40:02 16 themselves who were involved in the event. And I want to be
01:40:06 17 very clear. You have the deputy who actually used the deadly
01:40:10 18 force, and then you had the young officer, the young deputy,
01:40:14 19 Mr. Love, that was a witness, because he didn't physically
01:40:17 20 participate in the gunfire.

01:40:22 21 Since we don't have other witnesses or anything else, one
01:40:26 22 of the key elements in the *Graham v. Connor* decision was
01:40:29 23 officers have the responsibility for being able to articulate
01:40:35 24 what gave rise to that fear that eventually led to the choices
01:40:42 25 they made and the actions that they took. So it's not just a

01:40:45 1 matter of saying, "I was in fear for my life" and it's over.

01:40:49 2 It doesn't work like that. What happens is, the personnel
01:40:54 3 involved -- I'm sorry, I'm trying to slow down. I'm very
01:41:00 4 passionate.

01:41:01 5 The personnel that are involved in the event have the
01:41:04 6 responsibility of being able to articulate what happened.
01:41:09 7 That information then should be critically examined in light
01:41:14 8 of the physical evidence that's presented at the scene.

01:41:20 9 If the statements made and the physical evidence don't
01:41:24 10 line up, there's a problem. And those considerations and
01:41:29 11 variables are all what led me down the path to forming the
01:41:33 12 first opinion that I did about the shooting not being
01:41:36 13 objectively reasonable.

01:41:37 14 It's based on the totality of everything that was
01:41:41 15 presented through every statement that each individual made,
01:41:44 16 the photographs, the diagrams, everything. It's not one piece
01:41:47 17 of information. It's all of it.

01:41:55 18 Q. Based upon your review of the evidence, did you determine
01:42:00 19 that Mr. Rhoades was in the process of fleeing when the
01:42:11 20 defendant came upon him, or was it something else?

01:42:14 21 A. Well, if I understand your question correctly, when the
01:42:24 22 deputies found him in the gas well site, he was sitting there.
01:42:28 23 Statements made said he was parked off to the left of the
01:42:31 24 entrance. And there was adjustments to statements, but they
01:42:36 25 were stopped and to the left of the entrance to the gas well

01:42:39 1 site. That's not fleeing, at that moment, because you asked,
01:42:44 2 you know, at the moment that they encountered him. At the
01:42:46 3 moment they encountered him, the Jeep is sitting in the gas
01:42:49 4 well site hiding.

01:42:51 5 If nothing else, maybe hiding. It's obscured off to the
01:42:54 6 side, that's the way I can describe it.

01:42:57 7 Q. In law enforcement is there an important distinction
01:43:01 8 between officers actively pursuing a vehicle that they have
01:43:05 9 visual contact with and searching for a vehicle that they lost
01:43:11 10 visual contact with and do not know of its whereabouts?

01:43:16 11 A. Well, the term "pursuit" means you're actively engaged in
01:43:20 12 following something. And generally if you say, "I'm in
01:43:22 13 pursuit of this vehicle," you have a visual on the vehicle.
01:43:24 14 The moment you no longer have a visual on the vehicle, and
01:43:29 15 you're trying to find the vehicle, you're actively searching
01:43:34 16 for the vehicle that was being pursued.

01:43:37 17 And based on testimony, the statements made by Deputy
01:43:44 18 Love and Deputy Forsyth, when they made that U-turn to go
01:43:49 19 after the Jeep, they lost site of the Jeep. I think Deputy
01:43:53 20 Love said within the first quarter mile it was gone, and then
01:43:56 21 they were relying on, did the Jeep pass you? No. Okay.
01:43:58 22 Well, this is the road to this way. And then they got to a
01:44:01 23 road that had gravel that they could follow a dust trail,
01:44:05 24 presumably being the dust trail from the vehicle that they
01:44:08 25 were initially turned around on.

01:44:11 1 So you can't pursue something when you're looking.
01:44:15 2 You're either actively searching or you pursuing them. And
01:44:18 3 given fact that he wasn't within their visual field, they were
01:44:22 4 trying to locate him, so I would say they were actively
01:44:26 5 searching for him.

01:44:27 6 Q. It was mentioned during this trial -- just shifting gears
01:44:34 7 a little bit here, Mr. Root. It was mentioned during this
01:44:38 8 trial that you don't have an issue with the officers taking a
01:44:45 9 bit of time before they give their statements.

01:44:49 10 So my first question to you is: Why is that, that you
01:44:56 11 don't have an issue with them waiting?

01:44:58 12 A. Well, I don't have an issue with them waiting to give
01:45:02 13 statements. I don't have an issue with any citizen waiting to
01:45:08 14 give a statement, whether they're law enforcement or an
01:45:12 15 individual. And the reason for that is, studies have shown
01:45:15 16 that following high stress events, critical encounters, that
01:45:19 17 are life endangering, people go through a multitude of
01:45:25 18 physiological changes and psychological changes that empower
01:45:31 19 them to survive the event in some way.

01:45:34 20 Immediately following the event the person should be
01:45:38 21 medically cleared, first of all, because of the physiological
01:45:41 22 changes that can happen to someone. Focusing on the statement
01:45:44 23 time, the studies have revealed that an officer -- an
01:45:49 24 individual, let's just leave it at an individual -- it could
01:45:53 25 be 24, 48 up to 72 hours before you have come down to a point

1 that you can compartmentalize and work your way through,
2 personally, that tragic event that you were just encountered
3 -- that you had just encountered.

4 It's also recommended that in that 72-hour period, that
5 you have at least one full sleep cycle so that you have rest,
6 you have the opportunity to decompress from what is, most
7 likely for people in situations like this, a life-changing
8 event, so any person should wait. And for law enforcement, I
9 would tell any law enforcement officer, when you do give your
10 statement, have your attorney and your union representative
11 with you.

12 If you're a private citizen, I would tell you when you go
13 and you do give your statement, have your attorney with you.
14 There's nothing wrong with that. That's our constitutional
15 right. That's part of being an American. So I have zero
16 issue with telling anybody that.

17 Q. What do you take issue with regarding the manner in which
18 the defendant and Corey Love gave their statements in this
19 case?

20 A. The conflict that I have with it, is the fact that it
21 seems like they were having communications post. They were
22 seen in the hospital and they said, "I don't want to give a
23 statement right now." Okay. No problem.

24 Following that, though, according to the testimony, even
25 though Lieutenant Branham -- it's like they were trying to

01:47:26 1 coordinate the meeting. It was -- he said that he reached out
01:47:30 2 and they wanted to come in together. I have a problem with
01:47:33 3 that.

01:47:35 4 Following an event like this, when people speak -- I'll
01:47:39 5 slow down, sorry.

01:47:40 6 When people speak to other people about an event, it gets
01:47:45 7 messed up in their heads sometimes. And I don't mean that in
01:47:48 8 a negative way, that's why we keep witnesses, following any
01:47:52 9 kind of crime or anything like that, we keep them separated.
01:47:55 10 Because we don't want one person who is really confident in
01:47:59 11 the information, and another person who is not so confident,
01:48:02 12 talking to each other, because it will influence that.

01:48:05 13 And if they were team members, if you will, if you were
01:48:09 14 investigating a crime and you had two bad people, it gives
01:48:12 15 them an opportunity to get their stories straight before they
01:48:15 16 provide a statement.

01:48:17 17 In matters like this, law enforcement -- what I have an
01:48:21 18 issue with is, it appears that they were trying to coordinate
01:48:23 19 the communication and then they showed up with, interestingly
01:48:28 20 enough, written statements that they read into the record.
01:48:33 21 There were some questions that were asked, not great, in-depth
01:48:39 22 questions, or not real good follow-up questions.

01:48:41 23 For example, Lieutenant Branham -- and I want to preface
01:48:46 24 this, I don't fault Lieutenant Branham. He's never had the
01:48:50 25 training for use of force investigations. He may have

1 investigated hundreds of crimes, but there's different
2 information that needs to be reviewed, assessed, and evaluated
3 in a force event. And even though he has investigated
4 hundreds of crimes, I think he testified that this was his
5 second lead force investigation, and maybe total in his
6 career. At that time he had four, two as a secondary, two as
7 a primary, and that was this event.

8 So with that said, because I don't want to cast
9 negativity on Lieutenant Branham, he didn't ask questions. He
10 testified yesterday that there was no discrepancies -- I'm
11 speaking too fast again, sorry.

12 He testified yesterday, that there were no discrepancies
13 between the statements. If you read the two statements, it's
14 clear that's not true.

15 For example, this is what I said earlier. He was asked
16 specifically if the Jeep backed up or just moved forward
17 toward Deputy Forsyth. He said, "No, it didn't back up. It
18 moved forward."

19 Well, there's no three-point turns -- there were a lot of
20 things that the two stories were inconsistent with one
21 another. So the statement that they were -- there were no
22 inconsistencies isn't true at face value. But I also want to
23 be clear. Inconsistencies between witnesses doesn't mean
24 lying, all the time. You have your perspective. I have my
25 perspective. When we see things, we see things differently.

01:50:25 1 I may be looking at something else and you are looking in a
01:50:27 2 different direction.

01:50:28 3 Inconsistencies just mean we need to spend time
01:50:31 4 investigating this because if this doesn't match up, why
01:50:34 5 doesn't it match up? Could it be just natural human error or
01:50:39 6 could it be deception? It's just something that, as an
01:50:42 7 investigator, you look at, consider, and either clear it off
01:50:45 8 the roll, or focus in on it as a point of concern.

01:50:52 9 Q. What effect did the inconsistencies in those two
01:50:55 10 statements have on your opinion and your review of this use of
01:51:00 11 force incident in determining whether it was objectively
01:51:04 12 reasonable, specifically the defendant's actions?

01:51:15 13 A. I already said law enforcement had a very different job.
01:51:18 14 There are no -- there are no witnesses to this event outside
01:51:21 15 of the personnel that was involved in it. So we have to take
01:51:26 16 them at their word. What happened? Tell us what happened.

01:51:31 17 But then we have the obligation to take that information
01:51:35 18 and look at the physical evidence at the scene and see if it's
01:51:39 19 conceivable, you know? I mean, when we think about the size
01:51:42 20 of the arena of performance, 33 feet wide by a maximum of
01:51:48 21 46 feet deep, that is not a big area. I didn't measure this
01:51:54 22 room. I was thinking about doing it. But I feel pretty
01:51:57 23 confident that from the jury box to that wall would be within
01:52:00 24 that 30 to 35-foot realm, and I just want you to have a visual
01:52:08 25 reference.

01:52:08 1 You have multiple vehicles' movement, a car making
01:52:10 2 multiple point turns, or trying to, backing up, moving
01:52:13 3 forward, their statements and looking at the arena of
01:52:18 4 performance, it doesn't line up. They don't match. The
01:52:23 5 accusations made about what was taking place, there's no
01:52:26 6 physical evidence in support of that.

01:52:28 7 So when looking at the statements and looking at the
01:52:32 8 physical evidence, and then looking at the changes in the
01:52:34 9 statements, you know, the evolutions of the statements over
01:52:37 10 time between the two of them, you know, and then confirming
01:52:41 11 that misinformation was actually being given by one of them,
01:52:46 12 it's just -- they're supposed to be the solid source of
01:52:51 13 information, but it doesn't match up with the physical
01:52:53 14 evidence on scene.

01:52:55 15 Q. Is the physical evidence and the objective evidence what
01:52:59 16 you focused on in forming your opinion, Mr. Root?

01:53:04 17 A. I -- yes. I don't want to discount their statements
01:53:09 18 entirely because it was an element that had to be considered.
01:53:12 19 But you have to do a critical thinking type evaluation of the
01:53:17 20 information that's presented. Not just a, I did this, okay,
01:53:20 21 that's fine.

01:53:21 22 If there's physical evidence in support of it, that would
01:53:25 23 really solidify what was being said. If there weren't giant
01:53:29 24 changes in statements you would probably be like, I don't see
01:53:32 25 any problem. But there were. And looking at the objective

information, things that nobody -- the location of the casings at the scene, you know, there were additional casings found later that weren't found the day of the shooting, the fact that the scene wasn't documented or investigated in a way that would support or disprove the information that was being provided by the only two people that have information relative to the shooting, those are things that I took -- because those are, I believe the key elements in looking at a force in its entirety.

You often hear law enforcement say, "the totality of the circumstances," because that's an important thing. It's about everything that was happening. But when it comes to investigating use of force, it's also about the totality of the circumstances. What does all the evidence tell me? What does all the information provided, what picture does that create? And that is what led to the forming of my opinions.

Q. Did the objective evidence in this case, the timeline, the hard evidence at the scene, all of the objective physical evidence, did that support the defendant's version of events, or did that disprove the defendant's version of events to you?

A. To me it disproves it. All the evidence and information that was contained, physical evidence looking at the scene, it did not line up. It did not support his version of events or any of the versions of events that were told.

Q. Now, in a few moments I believe that the defendant is

going to have his expert witness testify. Now you say that the objective physical evidence did not support his -- the defendant's version of events. Have you had an opportunity to review the defendant's expert's opinion in this case?

A. Yes.

Q. And the basis for that opinion?

A. Yes.

Q. Did he apply the objective physical evidence to this case in an attempt to prove or disprove the defendant's story or did he merely use the defendant's story?

A. My opinion of his report is he focused 98 percent of his -- I will leave it with he put 98 percent of his focus into the statements. The explanations being presented by officers, and when there was a deviation there was a reason for it. There was no -- he did document in his report that there was no ground disturbance. He conceded that there was no ground disturbance. That's why during yesterday's testimony, there was now ground disturbance but even -- and I want to be very clear, Mr. Faulkner's report, he conducted a scene examination, he met with Deputy Forsyth. I believe the record shows that he met with him at the scene.

I didn't do my scene examination until I came up here for the, you know, before the trial. But even though he'd already done the scene examination, he created a report and articulated in the report there was no -- it could account for

no ground disturbance.

He was using one element to -- and he cited in that, you know, because the person could have been shifting gears or something like that, this could all -- one of the sentences was to the effect, I'm paraphrasing now, that this could account for no ground disturbance. So even his report says that.

So I don't want to say all of his report -- it just seemed like the opinions that he formed were focused solely on the information provided by the deputies without critically considering and evaluating how that applied to the physical evidence of the scene.

Q. Mr. Root, we have talked about the observations you made in forming your opinion in this regard. Does reconsideration of any of the information we've discussed today of what you have heard during this trial change your opinion as to whether or not the defendant's use of deadly force being not objectively reasonable?

A. I still think the use of force was not objectively reasonable, if that answers -- I got a little confused by your question, but I do not think it is.

Q. Thank you. Now, Mr. Root, I'd like to turn to your second opinion. Have you come to court today prepared to state your opinion as to whether or not the tactics used by the defendant to execute this traffic stop were poor, whether

they had met the accepted standards for officer safety, and whether his chosen tactics did or did not directly contribute to the unreasonable application of deadly force in this case?

A. Yes.

Q. Mr. Root, what is that opinion?

A. Close to what you just said the opinion -- the second opinion that I hold is that the tactics that Deputy Forsyth deployed during this traffic stop were poor, and there is no question that they did not meet officer safety standards. And I believe that they directly contributed to his application of deadly force.

Q. Did you utilize your knowledge, training, and experience as you discussed earlier in forming your opinion?

A. Yes.

Q. Did you rely on the same information in forming that opinion?

A. Yes.

Q. I'd like to invite you to step down off the witness stand here and we brought a whiteboard in for you, and I would like you to explain to the jury why you believe that the defendant's tactics for this traffic stop were poor, did not meet the established officer safety standards, and directly contributed to his use of deadly force.

THE COURT: Mr. Prince, if I could impose, I know there's another microphone there on counsel table, if you

02:00:06 1 wouldn't mind turning that --

02:00:06 2 MR. PRINCE: Yes, Your Honor.

02:00:07 3 THE COURT: -- so we have some hope of amplifying
02:00:11 4 Mr. Root while he's testifying with the whiteboard. Thank
02:00:16 5 you, sir.

02:00:19 6 THE WITNESS: I will dig deep for my voice with the
02:00:21 7 mask.

02:00:21 8 THE COURT: Not only for our jury, but for Madam
02:00:25 9 Court Reporter's benefit. Yeah, actually, why don't we go
02:00:28 10 with a little lapel mic. If that is all right.

02:01:12 11 THE WITNESS: I'm going to try to do this one handed.
02:01:16 12 I couldn't do it with one hand.

02:01:19 13 Okay. In looking at the traffic stop -- I'm not an
02:01:25 14 artist, but let's say -- and I'm going to stand in the way
02:01:27 15 when I draw it, then I'll move out of the way to explain it.

02:01:30 16 We have -- we have the bowl, the gas well site. We have
02:01:42 17 an access road. And essentially, when you look at the images
02:01:47 18 that were presented or that was captured by Lieutenant
02:01:51 19 Branham, it shows the position of the Jeep, it shows the
02:01:55 20 position of the patrol car, and then when you use that
02:01:58 21 information in relation to what we hear from Deputy Forsyth,
02:02:02 22 and we also consider the information they provided to us about
02:02:06 23 what they heard through radio traffic, and that's another key
02:02:11 24 element.

02:02:11 25 But this is not to scale, this is just a generalization,

1 I'm not that good. The Jeep, the little triangle in the front
2 indicates that's the front of the vehicle. The patrol car was
3 set off and more into the gas well site. And the gas piping
4 ran across here basically, and then there was another pipe
5 that came off this way, but -- that's absolutely terrible.

6 What's important about this when we look at it from
7 tactics, when they entered the gas well site, the statements
8 indicated that the Jeep, upon entering, was parked adjacent
9 to, off to the left side of the entry point to the gas well
10 site.

11 Deputy Love's statement indicated it was 10 to 15 feet
12 off to the side, which is actually approximately where it was
13 after the shooting also. Luckily it was the -- it was the
14 middle of the day, so lighting was not a concern, it wasn't
15 like it was a poorly lit environment. But when they pulled up
16 to the entry way of the gas well site -- I guess I should make
17 the car up here, sorry -- when they pulled up to the entry
18 point, the indication was the vehicle was doing a bunch of --
19 suddenly came forward, almost struck the patrol car, and then
20 started backing up and doing all this maneuvering.

21 You saw the diagram that was done by the investigator
22 that identified the width of the road being about eight feet.
23 Then you have the diagram that was done by Lieutenant Branham
24 that puts it less than six feet. The point is, their patrol
25 car -- and having driven down there in a vehicle myself, your

02:04:33 1 vehicle takes up the access road. It's not something where
02:04:38 2 somebody is going to squeeze by you unless they're willing to
02:04:41 3 drive into really heavy brush or wooded vegetation around the
02:04:46 4 entry point.

02:04:47 5 So it's kind of like what we would call a bottleneck.
02:04:49 6 There is one way in and out, and they're blocking it. As a
02:04:54 7 matter of fact, I think it was Lieutenant Branham that asked
02:04:58 8 Deputy Love if he thought the vehicle was just trying to get
02:05:03 9 back out onto the access road, and his answer was yes.

02:05:07 10 But when they get to this point and they see the vehicle,
02:05:12 11 they have essentially cut off all points of egress. And
02:05:17 12 here's why. This here, you have a ditch that runs along this
02:05:30 13 area and then a steeper incline, he wasn't going that way. He
02:05:35 14 couldn't get around the equipment and the berm back there, and
02:05:38 15 on this side of the bowl, is a very steep drop. He's not
02:05:47 16 going out that way either.

02:05:51 17 This is the control point of entry and exit to the gas
02:05:55 18 well site. If the vehicle was pulled off to the left side and
02:06:00 19 they put their patrol car right here, and it came forward
02:06:05 20 almost striking the car -- I want you to think about this --
02:06:12 21 you have a vehicle that you blocked in, comes forward and
02:06:15 22 almost strikes your car, but you get out of your car without
02:06:20 23 making any evasive or tactical position of the vehicle, this
02:06:27 24 is not a wide area, but nothing would prevent him from backing
02:06:33 25 up some or depending on when they actually saw -- do you

remember the pictures that I showed as you enter the gas well site? It begins to open the view to the left, which means if you're looking and scanning the area, you start to see the vehicle before your patrol car is in the gas well site.

The information known about the car, according to radio traffic, may be armed. If you knew nothing else about the vehicle, for tactics-wise, the fact that the individual may have a firearm should adjust the manner in which you interact with the vehicle.

The tactics deployed by Deputy Forsyth took him -- his initial statement, said he got out of the car directly in front of the Jeep. That was also supported by Deputy Love. His deposition statement added to that, "Well, I didn't get out immediately" -- which he originally said that -- both he and Love's statements indicated it was immediate. He didn't get out immediately. And when he got out, he's now moving to the back of his vehicle because it would be a -- that is a tactical position because it would put the full vehicle length between him and an angled object because the angled object couldn't come through here.

So why would you get out of the car? You could utilize the vehicle, just stop it -- and what I'm explaining right now is basic tactics. This isn't S.W.A.T. training. This isn't special vehicle extraction training. This is just tactical consideration of an environment and a vehicle. And you have

1 to remember, I believe that Deputy Forsyth is part of the
2 S.W.A.T. team or has been. I believe that was in his record.

3 But every patrol officer should understand that in your
4 vehicle, you have an engine block. This is a heavy object
5 that we can use for safety, security, cover, and concealment.
6 The differences between the two. Cover, hides you. I'm
7 sorry. Cover, protection from ballistic fire; concealment
8 hides you.

9 So, for example, if you open up a door, you get minimal
10 cover, you get a lot of concealment. And if you have ever
11 watched any cop show when they do a high risk -- when they do
12 a high risk takedown or they do a high risk traffic stop, or
13 they're dealing with potentially armed subjects, they will
14 position their vehicles at an angle behind theirs, they'll
15 open their doors, they'll get down behind doors and behind the
16 lights and they'll use all of their equipment to help protect
17 them from the potential threat.

18 Here is your potential threat. And Deputy Forsyth gets
19 out in front of not only the vehicle that just tried --
20 according to his statement, his testimony -- not only does he
21 get out of his car in front of a vehicle that just allegedly
22 tried to -- like it was almost going to hit him, he gets out
23 in front of a vehicle, that according to radio traffic, may
24 have -- the operator may be armed.

25 That is not sound tactics. Those elements, in and of

02:10:20 1 themselves, tell -- I hope they would tell the basic officer,
02:10:23 2 if they went through field training, that this will get you
02:10:27 3 killed.

02:10:29 4 Then he identifies that he transitions from the vehicle
02:10:33 5 and he tries to go to the rear, but he hasn't realized that he
02:10:37 6 left the gear in drive. The reason he went to the rear is a
02:10:46 7 tactical mechanism for safety. Yet when the safety shield
02:10:50 8 leaves, he remains standing in the open while the vehicle --
02:10:55 9 according to his statement -- backs up.

02:11:03 10 These tactics, getting out -- jumping out of the car -- I
02:11:07 11 know that you are going to hear that there are those that say,
02:11:11 12 well, the key to a high risk situation, be the first person
02:11:14 13 out of the car. You know, the first person. For example, in
02:11:19 14 a high risk stop, if you are stopping a vehicle, you don't
02:11:21 15 want to be trapped in your car when they jump out of their car
02:11:25 16 and start shooting at you. You utilize your vehicle as cover.
02:11:28 17 You use the engine block. But we don't sacrifice our safety
02:11:34 18 to be the first person out of the car.

02:11:37 19 When you are literally in front of the vehicle, tactics
02:11:42 20 would have been to utilize the vehicle to obstruct the
02:11:45 21 opening. There is no way you get out of the car if you're
02:11:50 22 half in the gas well site without being directly in front of
02:11:55 23 the Jeep, unless you take the time to turn the wheel and get
02:11:58 24 into the gas well site so that you're using the wheel the best
02:12:02 25 you can to put your engine block -- I don't want to get this

02:12:16 1 too dramatic.

02:12:19 2 Once you see it backing up, and pulling forward or
02:12:24 3 backing up and staying, depending on how much of the view of
02:12:26 4 this vehicle that you have, you're still blocking the exit.
02:12:29 5 They can't get out. And you positioned your vehicle in a way
02:12:33 6 that the engine block is between you and them if they are
02:12:35 7 armed, you have a very solid object that is providing you with
02:12:39 8 cover. And when you do exit the vehicle, you can now use your
02:12:42 9 door as additional cover and concealment. This is not
02:12:47 10 advanced training. This is not advanced tactics. This is
02:12:53 11 basic police training.

02:12:56 12 So utilizing your vehicle as a mechanism for safety is
02:13:01 13 about every traffic stop. It doesn't matter where you are.
02:13:04 14 If you're the person stopping the car, you try to pick the
02:13:08 15 location, you try to pick the time, the whole nine yards, but
02:13:12 16 you don't always get to do that. So then when you're thrown a
02:13:15 17 curve ball, for example, if you're trying to stop a vehicle,
02:13:18 18 and the lady that's driving the car doesn't feel safe stopping
02:13:21 19 in a dark area, she wants to go to the gas station where it's
02:13:24 20 lit. You don't know what's going on in the car. You follow
02:13:27 21 the car. When the car pulls into the well-lit area, you
02:13:31 22 position your vehicle in a way that it provides you with
02:13:34 23 protection until you verify what's going on with the car.

02:13:37 24 And since it's a stop that didn't go normally, you
02:13:43 25 utilize PA equipment and things like that to give your

02:13:47 1 commands loudly over a loud speaker to the driver to generate
02:13:51 2 compliance to see if there is going to be, you know, driver --
02:13:53 3 if you're in a position of advantage, you got your vehicle as
02:13:57 4 your obstruction, protection. These tactics allow you to use
02:14:01 5 the equipment in the car to make the announcement, not just
02:14:05 6 your voice. If they are anything like me, I have a huge mouth
02:14:09 7 and I am very capable of getting a loud command out. But with
02:14:13 8 a vehicle set up and doing proper tactics, you would be able
02:14:18 9 to use the PA system to effect the same thing without exposing
02:14:22 10 yourself to significant risk.

02:14:27 11 That's proper tactics. Not getting out in front of the
02:14:31 12 vehicle that is potentially armed, in the open, and then the
02:14:34 13 vehicle that you allegedly use in your tactical block leaves
02:14:38 14 you and you just stand there in the open.

02:14:41 15 And the reason I attribute high marks to Deputy Forsyth
02:14:46 16 about tactical knowledge, if he's been trained in a way that
02:14:51 17 educated him on tactical reloads -- tactical reload means
02:14:55 18 this, you reload when you can, and when you have to. It's for
02:14:59 19 a gun fight. You're involved in a gun fight. You got 15
02:15:02 20 rounds in a magazine. You pull the trigger eight times. The
02:15:05 21 shooting stops, and you're in a position of safety. Make sure
02:15:08 22 before the engagement begins again, or you move from that
02:15:10 23 position of safety, you remove the magazine, put a fresh
02:15:13 24 magazine in so that should another engagement occur, you have
02:15:16 25 a fully-loaded weapon versus a partially-loaded weapon.

02:15:19 1 That's what a tactical reload is for.

02:15:24 2 He was going to engage in one after he shot at a vehicle
02:15:28 3 he alleges was moving toward him, because he wasn't sure what
02:15:32 4 was inside, but then he stopped. He moved out of the vehicle
02:15:38 5 to put tactics -- according to his deposition -- to move to
02:15:41 6 the rear of the vehicle. And in his testimony, yet, when the
02:15:44 7 rear of the vehicle wasn't present for his protection, he
02:15:47 8 stood out in the open. Those are bad tactics.

02:16:23 9 THE COURT: Mr. Prince, while Mr. Root is resuming
02:16:25 10 the witness stand, can I ask you to move the whiteboard?

02:16:28 11 MR. PRINCE: Yes, sir.

02:16:29 12 THE COURT: Thank you.

02:16:45 13 BY MR. UMINA:

02:16:45 14 Q. Mr. Root, do you recall what Deputy Love indicated that
02:16:52 15 he was doing as all this was going on?

02:16:56 16 A. In the final statements he indicated that when
02:17:05 17 Deputy Forsyth got out of the vehicle, he also got out of the
02:17:08 18 vehicle. I am yelling now, sorry. Takes a while for it to
02:17:15 19 catch up.

02:17:17 20 THE COURT: Mr. Root, take a breath and slow down as
02:17:20 21 well.

02:17:21 22 THE WITNESS: I apologize, Your Honor, again. Thank
02:17:23 23 you.

02:17:25 24 When Deputy Forsyth exited the vehicle, Deputy Love also,
02:17:30 25 at the same time, exited the vehicle, and he began moving

02:17:36 1 forward of the patrol car. He hadn't realized that it wasn't
02:17:41 2 in park, so as he's going forward, so is the patrol car. But
02:17:46 3 clearly not at a very fast pace. Because he was able to --
02:17:50 4 not only did the patrol car eventually stop within a few feet
02:17:53 5 of the gas well equipment, but Deputy Love was eventually able
02:17:59 6 to get around the vehicle, but he exited at the same time that
02:18:04 7 Deputy Forsyth did.

02:18:11 8 BY MR. UMINA:

02:18:11 9 Q. Tactically is it a good idea to attempt to run in front
02:18:17 10 of a vehicle that's moving like Mr. Love claims that he did,
02:18:22 11 his own?

02:18:25 12 A. I don't think you have to be a tactician to know that it
02:18:29 13 is not a good idea to run in front of a moving vehicle. But
02:18:35 14 he's very -- and again, giving credit to the officers and
02:18:39 15 trying -- he's very young. He was in his first month or so of
02:18:45 16 being a police officer, so getting out of the car, not knowing
02:18:49 17 that, oh, he hadn't been to the academy yet, you know,
02:18:52 18 (indiscernible) this way to where your partner was going. He
02:18:56 19 just made a mistake, and he was going -- it wasn't tactically
02:19:00 20 sound, but I don't think he knew any better.

02:19:02 21 Q. Do you believe he knew that the vehicle was moving when
02:19:09 22 he attempted to run around the front of it?

02:19:14 23 A. Well -- he figured it out. I mean, he had to know it was
02:19:19 24 moving, because you get out of a car -- it probably hit him
02:19:22 25 when he got out of car and the car -- because if the car was

02:19:26 1 moving, you know when you get out. And I will admit, in all
02:19:29 2 embarrassment, I have bailed out of my patrol car and left it
02:19:33 3 in drive. I know the feeling that that creates. I was lucky
02:19:39 4 enough to jump back in. But for him, I'm sure as he exited he
02:19:44 5 realized, but you're already committed to the action; I've
02:19:47 6 started this, I continue doing it.

02:19:49 7 Q. Mr. Root, we have now talked about the observations you
02:19:55 8 made in forming your opinion in this matter. Does
02:19:59 9 reconsideration of any of the information we have discussed
02:20:01 10 today or that you've heard during this trial change your
02:20:05 11 opinion as to whether the defendant's tactics for this traffic
02:20:10 12 stop were poor, failed to meet established officer safety
02:20:14 13 standards, and directly contributed to his unreasonable use of
02:20:18 14 deadly force?

02:20:19 15 A. Absolutely not. And I'd like to add something, that when
02:20:23 16 we were talking about timelines that deal with Deputy Love and
02:20:27 17 his exiting the vehicle, Deputy Love also said that the shots
02:20:32 18 being fired took place within seconds of him getting out of
02:20:37 19 the car.

02:20:41 20 That's an important piece of information also. Because
02:20:43 21 remember, I told you we have a 16-second window, and we know
02:20:47 22 it takes the fastest -- if we have the fastest timeline as far
02:20:52 23 as getting the vehicle down the road and then we only have 10
02:20:56 24 seconds -- if he did it at 25 miles an hour, you have a
02:20:58 25 ten-second window; if it's a second and a half for discharging

the rounds, now you're down to an eight and a half-window, and you have a deputy that's saying within seconds of getting out of there, that's when the shooting happened. So it's an interesting concept.

Q. Thank you, Mr. Root.

MR. UMINA: No further questions.

THE COURT: Thank you, Mr. Umina.

Ms. Durst.

MS. DURST: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. DURST:

Q. Good afternoon, Mr. Root.

A. Good afternoon.

Q. This is not the first time you've testified at trial, is it?

A. No.

Q. Not the first time you've testified under oath ever, right?

MS. DURST: Sorry, Your Honor. I usually -- loud voice is not an issue.

THE COURT: That's all right.

BY MS. DURST:

Q. Not the first time you've testified under oath, right?

A. Correct.

Q. Probably done that in your career with law enforcement

02:22:22 1 and in your expert witness work hundreds of times, right?

02:22:25 2 A. That would be fair,

02:22:26 3 Q. Okay. And you understand that you're sworn to tell the
02:22:31 4 truth, right?

02:22:31 5 A. Absolutely.

02:22:32 6 Q. And you have done that in this case?

02:22:34 7 A. Correct.

02:22:34 8 Q. And you've done that when you testified in your
02:22:35 9 deposition in this case, right?

02:22:36 10 A. Correct.

02:22:36 11 Q. And all the other times that you've taken the witness
02:22:39 12 stand, either at trial or testifying in deposition, you've
02:22:43 13 testified under oath truthfully, correct?

02:22:45 14 A. Correct.

02:22:45 15 Q. Okay. Now, I wanted to ask you one of the things then --
02:22:52 16 you spent quite a bit of time this morning, and still partly
02:22:57 17 this afternoon, talking about the arena of performance.

02:23:02 18 Do you recall all of that testimony?

02:23:03 19 A. Yes.

02:23:03 20 Q. Okay. Do you recall me taking your deposition in this
02:23:08 21 case back in September of 2019?

02:23:13 22 A. Yes.

02:23:14 23 Q. Okay. You recall that you and I spent quite a bit of
02:23:19 24 time together, did we not?

02:23:21 25 A. Yeah, absolutely. Sure.

Q. Your deposition, according to the transcript, lasted from 9:30 to 3:46 p.m., and was about 280 pages. Sound about right?

A. Sure.

Q. Okay.

MS. DURST: Your Honor, may I approach?

THE COURT: You may.

BY MS. DURST:

Q. I've handed you a copy of your deposition from September 17, 2019, and there is an index in the back for easy reference. Find in there for me, in 280 pages, where you ever talked about arena of performance, please.

A. Well, that's a term that I decided to use to educate the jury, not you.

Q. Okay. You testified, did you not, that you visited the scene when you came up here to West Virginia, right?

A. Correct.

Q. For trial?

A. Correct.

Q. Okay. But all the other information you told to the jury, the radio traffic, the drawing from the investigator, Lieutenant Branham's information, statements, you had all of that information at the time you prepared your report in this case, right?

A. That's correct. However, the radio traffic, it was

provided to us -- to me -- in segments, reversed order. So when I was going through that, and I was trying to figure out, okay, how does this go, and I had to figure out that it was all backwards. I did not have faith in what I was given to be able to create a timeline associated with the radio traffic because I wasn't sure that it would be accurate and give the benefit due to Mr. Forsyth.

After hearing yesterday's testimony is when I was assured of what the timeline could be, and that's when I evaluated everything I had read and considered at that point and used that timeline.

Q. Well, again, you and I spent several hours together, about 280 pages. Show me in that transcript anywhere where you told me that you didn't have enough information about the order of the radio traffic to be able to really finalize your opinions?

A. I never said that I couldn't finalize my opinions. That's not what I just said to you right now. I said, I didn't create a timeline based on the radio traffic. Having the opportunity to hear testimony and see the designated timeline presented in the case based off the radio traffic in the proper order, that's when I looked at it and said, "Okay, that's the timeline that I can now use to evaluate the information."

And had it been adverse to one of my opinions, I can

1 assure you that I would have told Mr. Umina that this timeline
2 doesn't actually (indiscernible) made me alter my opinion, but
3 that's not the case.

4 Q. Okay. You also testified to a chart that had time and
5 distance calculations based on the measurement of the access
6 road of 212 feet, right?

7 A. Yes.

8 Q. Okay. You had that information at the time I took your
9 deposition in September of 2019, correct?

10 A. The length of the road?

11 Q. Yes.

12 A. Oh, yes.

13 Q. Okay. Look in the transcript for me and tell me anywhere
14 where you mentioned to me about these times and distance
15 calculations that you have now told this jury.

16 A. In order to have a time and distance calculation you have
17 to have the established timeline. Having one piece of an
18 event for a timeline you cannot create a timeline off of the
19 roadway distance. It is using that information in
20 coordination with the timeline; in other words, the radio
21 traffic, the established time, that's what empowers you to do
22 it.

23 So, again, that variable, that element that you're asking
24 me about is really because now I was able to create a timeline
25 for the radio traffic and what was presented in court.

Q. Well, let me ask you this, Mr. Root: You told the jury you have 27 years experience in law enforcement, right?

A. Correct.

Q. Is it your testimony to this jury that you could not figure out how that radio traffic worked? Those time increments, that you couldn't look at the time that we showed to this jury and figure out the order of the radio traffic before yesterday? Is that your testimony?

A. I never said that.

Q. So you had the radio traffic. You could have figured out exactly the point in time where Deputy Forsyth said, "Cut off the trail," to the time he said, "Shots fired," correct?

Is that correct?

A. That is not correct.

Q. Why is that not correct?

A. Ma'am, the timeline was -- I'm sorry, the radio traffic transmissions were given to me chopped apart -- normally when you get radio transmissions you have a beginning and an end. Every one of these transmissions was chopped apart, cut into pieces, and then provided in reverse order. I had to determine they were in reverse order.

So if pieces are missing, or if there's something that's erroneous information that's being provided, it could negatively impact the way I evaluated the case for Mr. Forsyth and could negatively impact his life because I'm forming an

02:28:39 1 opinion off bad information.

02:28:40 2 I made a professional decision that, looking at the
02:28:43 3 information, looking at the investigation, there was plenty of
02:28:47 4 other information. It wasn't until you published the actual
02:28:50 5 times in court that I was able to say, "I can rely on that
02:28:54 6 information now." I'm not required to use that as a message,
02:28:58 7 I was just -- it doesn't change the opinion in any way. It
02:29:02 8 actually strengthened it.

02:29:04 9 Q. Well, your testimony just now to the jury was, you got it
02:29:07 10 in increments, chopped up, correct?

02:29:10 11 A. That is correct.

02:29:11 12 Q. And that is what we played for the jury yesterday,
02:29:14 13 correct? Chopped up increments?

02:29:16 14 A. That is true.

02:29:17 15 Q. One of the other things you had mentioned, Mr. Root, was
02:29:32 16 the photograph that showed the tire marks in the mud.

02:29:40 17 Do you remember that, where you are talking about
02:29:41 18 Lieutenant Branham taking those tire marks in the mud, you
02:29:43 19 indicated because you could clearly see tire tread that -- I'm
02:29:48 20 taking your opinion that that means the vehicle was not
02:29:52 21 traveling quickly through that area since you could discern
02:29:55 22 tire marks.

02:29:56 23 Am I understanding your testimony correctly?

02:29:57 24 A. As have already been explained, that my experience in
02:30:00 25 life in looking at tire marks and doing crash investigations,

02:30:02 1 it would be supportive of that.

02:30:04 2 Q. Okay. Well, let's talk about that photograph. That's
02:30:06 3 one that Lieutenant Branham took after he got to the scene,
02:30:10 4 correct?

02:30:10 5 A. That's correct.

02:30:10 6 Q. And we know, because you were here for his testimony,
02:30:13 7 that he was there 30 minutes, approximately, after he was
02:30:16 8 notified of the shooting, correct?

02:30:18 9 A. Yes.

02:30:18 10 Q. And we also know, based on the testimony in this case,
02:30:22 11 that by the time Lieutenant Branham got there to take that
02:30:25 12 photograph, we know Deputy Forsyth had left in a cruiser,
02:30:30 13 right?

02:30:31 14 A. Okay. Yes.

02:30:32 15 Q. We know that Deputy Love had left in a cruiser, right?

02:30:35 16 A. Sure.

02:30:36 17 Q. We know that there was a City of Mannington police
02:30:40 18 officer there in a cruiser, right?

02:30:42 19 A. Yes. Deputy Love indicated that, yes.

02:30:46 20 Q. And we also know the ambulance was there to take
02:30:49 21 Mr. Rhoades from the scene, correct?

02:30:51 22 A. Well, they were all there -- I can't say they were all in
02:30:54 23 the gas well site because that would be an impossibility, I
02:30:56 24 mean, if you look at the size of the gas well site. They were
02:30:59 25 at the scene in the area. Whether or not they all traveled

02:31:02 1 down that road or not, that was never indicated. I have no
02:31:05 2 way of knowing if they did or not. I -- considering the fact
02:31:08 3 that the vehicles were still in place, I don't know if
02:31:11 4 everybody drove down there or not. I have no way of knowing.
02:31:13 5 Q. So the tire marks that you're telling to the jury, you
02:31:18 6 believe evidences that Deputy Forsyth couldn't have traveled
02:31:23 7 down that path based on the time and distance calculations you
02:31:26 8 did, you don't even know which vehicle was the last one to
02:31:30 9 travel through there that left that mark before Lieutenant
02:31:35 10 Branham took the photograph, do you? Do you?

02:31:37 11 A. Well, you didn't -- I'm not going to answer the question
02:31:40 12 the way you're characterizing it. I didn't say he didn't go
02:31:44 13 down the path. I said that the tire mark indicated slow
02:31:46 14 movement.

02:31:46 15 I gave him the benefit on my timeline of 25 miles an
02:31:51 16 hour, which is the fastest time. And if you've been down that
02:31:55 17 road, you only have to travel it once to know you're not going
02:32:00 18 down that road at 25 miles an hour, but I gave him the benefit
02:32:02 19 of the fastest possible time. I was just showing that the
02:32:07 20 tire mark indicates slow movement.

02:32:07 21 If those slow movements were because an ambulance left or
02:32:11 22 a patrol car left, that doesn't change the amount of time it
02:32:13 23 would have taken him to get down that 212 and 3-inch roadway.

02:32:17 24 Q. You don't know how fast his vehicle was traveling, do
02:32:19 25 you?

02:32:20 1 A. That's what I just said.

02:32:21 2 Q. Because you're not an accident reconstructionist, are
02:32:23 3 you?

02:32:23 4 A. You don't have to be an accident reconstructionist to
02:32:26 5 determine speed.

02:32:27 6 Q. Are you an accident reconstructionist?

02:32:30 7 A. No.

02:32:30 8 Q. You've talked -- when Mr. Umina started off with you,
02:32:38 9 Mr. Root, you talked quite a bit about your training.

02:32:41 10 Do you recall that testimony?

02:32:42 11 A. I tried to make it abbreviated, but yes.

02:32:44 12 Q. Okay. You've never actually come to West Virginia to
02:32:47 13 provide training for any law enforcement agency, have you?

02:32:51 14 A. No.

02:32:51 15 Q. And that would include that you have never provided any
02:32:55 16 training to anybody at the West Virginia State Police Academy,
02:32:58 17 correct?

02:32:59 18 A. Through the academy?

02:33:01 19 Q. To anyone through the state police academy, actually
02:33:05 20 serve as a trainer or provide training at the West Virginia
02:33:08 21 State Police Academy?

02:33:09 22 A. Thank you, that's what I was trying to clarify. No, I've
02:33:11 23 never taught at the West Virginia State Police Academy.

02:33:12 24 Q. Not only have you never been actually in West Virginia to
02:33:17 25 provide training, you've never even been asked to come to West

1 Virginia to provide training for law enforcement officers,
2 have you?

3 A. Not that I can recall.

4 Q. When you left law enforcement, what was your rank?

5 A. When I left?

6 Q. Yes.

7 A. Deputy sheriff.

8 Q. So after 27 years in law enforcement, the highest rank
9 you had was deputy sheriff?

10 A. No. The highest rank I had was sergeant.

11 Q. But when you retired, you were deputy sheriff?

12 A. When I retired, yes.

13 Q. What happened with your sergeant stripe?

14 A. As I told you in the depo, when I was working with the
15 Martin County Sheriff's Office, I went back under law
16 enforcement. We had a juvenile offender training center,
17 which is a boot camp for young -- youths that are at risk, and
18 I went to work there. We were under law enforcement, and I
19 tested for sergeant and I got promoted to sergeant.

20 Sometime after that, the major over that division retired
21 and they reorganized the agency, placing the juvenile offender
22 training center underneath corrections. And I wanted to go
23 back to road patrol and work over there, but I was told I
24 would have to -- there weren't any positions -- sergeant
25 positions and then they told me my stripes were a correction's

02:34:36 1 promotion, which that was inaccurate. So they said, "Well, if
02:34:42 2 you want to go back on the road, you would have to give up
02:34:45 3 your stripes." I wanted to go back to law enforcement because
02:34:48 4 the boot camp -- the sheriff was getting ready -- in the
02:34:50 5 future was going to close it down and I wanted to go back to
02:34:53 6 law enforcement, so I figured I had them once, I will get them
02:34:56 7 again. So I gave them up and went to the road. And sadly,
02:35:00 8 because I have a big mouth and not politically correct, I
02:35:03 9 never got promoted again.

02:35:05 10 Q. Yeah, you actually applied for a promotion throughout the
02:35:07 11 rest of your career and you were never promoted; is that
02:35:09 12 right?

02:35:09 13 A. You don't apply for promotion. You actually participate
02:35:12 14 in the testing and evaluation process, you go through the oral
02:35:16 15 boards, you go through the written examination, things like
02:35:17 16 that, and you get on a list. And then the sheriff has the
02:35:21 17 right to pick anyone on the list that he chooses to pick to
02:35:24 18 promote to the next rank.

02:35:26 19 It's not that I applied for a position, it's just that I
02:35:29 20 was not selected.

02:35:30 21 Q. So fair enough. You didn't have to apply, but even if
02:35:33 22 you were on the list, you were never selected by your
02:35:36 23 supervisor or the sheriff for any promotions before you left
02:35:40 24 law enforcement, fair enough?

02:35:40 25 A. You can choose to say it that way.

Q. Well, when you retired, you did not have any stripes back as a sergeant, true?

A. That is true.

Q. Now, you were testifying here in this lawsuit against Deputy Forsyth, my client, and in 27 years of law enforcement I think you told me you thought you may have been sued once by Mr. Michata (phonetic)?

A. Yes, I think that was correct. I wasn't sure.

Q. And that's the only time that you can recall being in my client's shoes, correct?

A. That I can recall, yes.

Q. Well, do you happen to recall a case in Florida filed by Johnny Dismuke, D-i-s-m-u-k-e, in the Martin County court?

A. Johnny -- a civil suit against me? No. No, I don't recall that.

MS. DURST: Your Honor, may I approach?

THE COURT: You may.

BY MS. DURST:

Q. Mr. Root, what I have handed you is a docket sheet from the clerk of the court -- Circuit Court comptroller, Karen Timann, T-i-m-a-n-n, do you see that?

A. I do.

Q. Do you see it has a file date at the top of 10/8 of 2003, correct?

A. Yes.

Q. Okay. And you see immediately under where the dates are it says "plaintiff" and then there are a number of defendants listed?

A. Yes.

Q. Your name is there, isn't it?

A. Oh, this is -- he sued the Martin County Sheriff's Office and named me. I've never been to court, and I didn't even know about this until you brought it up. I just know the name now because I arrested him for felony charges on credit card fraud and he went back to prison. He must have filed a lawsuit. But the sheriff's office had it. I never knew about it.

Q. Well, look down on that first page, Mr. Root. There are a couple of entries. I think the one says January 26, 2004.

Do you see that?

A. Yes.

Q. Notice of appearance for Defendant Dennis Root, correct?

A. I see it, yes.

Q. And then a couple of entries above that, January 27, 2004, you see that?

A. Are you talking about the motion?

Q. Yes.

A. Yes.

Q. So you're telling this jury that you had a lawsuit filed against you where you filed a notice of appearance and a

02:38:35 1 motion to dismiss, but you weren't aware of it? Is that your
02:38:39 2 testimony?

02:38:40 3 A. I have never filed a motion in my life. I have never
02:38:45 4 done any of the things that are listed here. This would have
02:38:48 5 been handled by the sheriff's office, and I had absolutely no
02:38:52 6 involvement with it. I have never filed a motion. That is
02:38:55 7 what I'm saying.

02:38:57 8 Q. I'm not saying that you filed a motion. You didn't have
02:39:00 9 an attorney file a motion to dismiss on your behalf in that
02:39:03 10 lawsuit?

02:39:03 11 A. I did not know anything about this, ma'am. Our sheriff's
02:39:08 12 office handles the lawsuits. If there was something that
02:39:11 13 required my attendance, I would have been there.

02:39:13 14 MS. DURST: Your Honor, may I approach and get the
02:39:15 15 document?

02:39:15 16 THE COURT: You may.

02:39:15 17 BY MS. DURST:

02:39:30 18 Q. Now, you've testified previously at a trial here in West
02:39:33 19 Virginia, is that right, a criminal trial?

02:39:36 20 A. I believe more than one.

02:39:38 21 Q. Well, *State of West Virginia vs. Micah LeMaster* --

02:39:42 22 A. Yes.

02:39:43 23 Q. -- do you recall that? Now, in that case, Mr. LeMaster
02:39:47 24 who was a criminal defendant, you were retained on behalf of,
02:39:50 25 he actually shot and killed an unarmed man; is that right?

02:39:54 1 A. He shot and killed a man, yeah. He was unarmed, yes.

02:39:58 2 Q. Okay. And I think the man that was shot and killed, Josh
02:40:01 3 Martin, apparently he had been banging on Mr. LeMaster's door
02:40:06 4 in the middle of the night and made some threats; is that
02:40:08 5 right?

02:40:08 6 A. That's a minor way of putting it, but yes.

02:40:11 7 Q. And after Mr. LeMaster shot and killed Josh Martin,
02:40:16 8 turned out Mr. Martin didn't have a weapon at all, did he?

02:40:20 9 A. At the time that rounds were discharged, he didn't know
02:40:23 10 that, but it turns out later -- well, actually, in the
02:40:28 11 original -- I want to rephrase this.

02:40:30 12 The original shots fired he didn't know if he was armed
02:40:35 13 or not, because in the middle of the night he was trying to
02:40:38 14 break into their home through their front door, and it led to
02:40:42 15 a shooting, not getting off track. The shot that killed him
02:40:46 16 was when Mr. -- can you repeat his name again?

02:40:52 17 Q. Josh Martin.

02:40:53 18 A. -- Mr. Martin was actually running at the house at
02:40:57 19 Mr. LeMaster toward the open front door where his family was.
02:41:01 20 At the time he shot him, at that point he knew he didn't have
02:41:04 21 a weapon, but there was a lot of information in the case that
02:41:08 22 we're not able to get into here.

02:41:11 23 Q. So just to be clear then, you actually testified on
02:41:14 24 behalf of Mr. LeMaster in that criminal trial that even though
02:41:18 25 at the time he fired the shot that killed Josh Martin, he knew

1 he didn't have a weapon. At that point your testimony was
2 that his actions were justified under the circumstances,
3 weren't they?

4 A. Leaving out all of the other information associated with
5 that case and what led to the opinion, yes, the end opinion
6 was that the shooting in that case, given the totality of
7 everything, was objectively reasonable.

8 Q. Shooting an unarmed man in that circumstance was
9 objectively reasonable based on the facts of the case; is that
10 true?

11 A. If you want to emphasize the unarmed man, yes, there are
12 situations and times that, based on the case, that could be
13 objectively reasonable. But it does require a tremendous
14 amount of explaining, investigation, and a comprehensive
15 understanding of the facts.

16 Q. You would agree with me, would you not, Mr. Root, that
17 law enforcement officers are placed in danger quite
18 frequently, and hundreds of law enforcement officers are
19 killed each year in the line of duty?

20 A. Sadly, yes.

21 Q. And you would agree with me that part of their job duties
22 as a law enforcement officer requires law enforcement officers
23 to be involved in tense and dangerous situations?

24 A. Absolutely.

25 Q. I think you said rapidly evolving situations?

02:42:33 1 A. Yes.

02:42:33 2 Q. Right?

02:42:34 3 A. Yes.

02:42:34 4 Q. Now, let me ask you, you have done what you're doing here

02:42:46 5 today; served as an expert in a number of cases over the

02:42:49 6 years, correct?

02:42:50 7 A. Yes.

02:42:52 8 Q. Okay. And in a civil case like this, not a criminal case

02:42:59 9 like for Mr. LeMaster's case, but in a civil case, you were

02:43:02 10 not aware of any civil case where you've been retained on

02:43:06 11 behalf of the plaintiff like in this case, where you were the

02:43:09 12 subject of the motion to exclude your testimony; is that

02:43:12 13 right?

02:43:13 14 A. No, there was one I told you about.

02:43:16 15 Q. Okay. You told me about one?

02:43:19 16 A. Yeah, in my deposition. I'm sure you can find it.

02:43:27 17 Q. Well, go ahead, you have your transcript in front of you,

02:43:31 18 correct? Page 79?

02:43:48 19 A. Okay.

02:43:48 20 Q. At the top of the page, line one, question:

02:43:50 21 "Are you aware of, in any civil case, where you've been

02:43:54 22 retained as an expert, at least on the list that we have, you

02:43:58 23 were retained on behalf of the plaintiff suing some law

02:44:00 24 enforcement agency, are you aware in any of those cases

02:44:03 25 whether you were the subject any *Daubert* motion."

02:44:05 1 You understand what a *Daubert* motion is, right?

02:44:06 2 A. That's correct.

02:44:07 3 Q. To exclude your testimony or limit it in some manner,

02:44:10 4 right?

02:44:10 5 A. That is correct.

02:44:10 6 Q. And what is your answer?

02:44:12 7 A. The answer on this page is "No," but I believe if we look

02:44:15 8 in the transcript, we'll find where I remembered that there

02:44:18 9 was the one in West Virginia. And I think we even discussed

02:44:21 10 it at great length where I was testifying in one case in West

02:44:25 11 Virginia, and then four days later I was in another court

02:44:28 12 where I testified as an expert in investigations and use of

02:44:32 13 force, and then I went to another court in West Virginia, and

02:44:36 14 the judge -- in a criminal case -- and the judge identified he

02:44:39 15 has nothing to offer me. He was the person who said I have

02:44:43 16 nothing to offer, and that was case -- I'm pretty sure if you

02:44:46 17 look in the -- I can't find the page without some kind of --

02:44:48 18 but that is fact.

02:44:50 19 Q. Okay. So your recollection is that there was one case

02:44:54 20 where you were the subject of a motion to exclude or limit

02:44:58 21 your testimony in some manner; is that true?

02:45:00 22 A. I think it was where I was excluded.

02:45:00 23 Q. Okay.

02:45:05 24 A. I think when we talked about -- because we also talked

02:45:06 25 about the case in Florida.

Q. My question is where you were the subject of a motion to exclude your testimony, and so is it your recollection that the one in West Virginia you're referring to resulted in you being excluded as a witness?

A. That was in that one court, yes, that one was. I was excluded in that case, yes.

Q. Okay. So aside from that case then, you're not aware of any situation in any of the civil cases where opposing counsel, like me, has challenged your ability to testify in the form of a *Daubert* motion; is that right?

THE COURT: Hold on a second, Ms. Durst. Can I ask counsel to approach, please?

(Bench conference outside the hearing of the jury.)

THE COURT: Why are we --

MS. DURST: Goes to his credibility, Your Honor. I have motions where he testified he was not the subject of -- he testified under oath that he -- that he had not been the subject of any motions to exclude his testimony. So it goes to his credibility. I'm not arguing that he was excluded. It's just to his credibility as a witness that he did not truthfully answer those questions. And I have the motions.

THE COURT: Possible that he didn't know about that motion?

MS. DURST: But based on his testimony in his deposition, Your Honor, I specifically asked him and he said,

02:51:09 1 "I would have been made aware because the attorneys would
02:51:09 2 contact me to discuss the challenge."

02:51:09 3 THE COURT: He doesn't know that. How are you going
02:51:09 4 to connect the bridge between question one and question two?

02:51:09 5 MS. DURST: I'm going to ask him if he was made
02:51:09 6 aware. And your testimony -- you testified under oath that the
02:51:09 7 attorneys would have made you aware.

02:51:09 8 THE COURT: What if he says no, he wasn't made aware?

02:51:09 9 MS. DURST: That's not what he said in his
02:51:09 10 deposition.

02:51:09 11 THE COURT: What if he was not made aware the motion
02:51:09 12 was filed?

02:51:09 13 MS. DURST: Then he can testify to that.

02:51:09 14 THE COURT: If not impeachment, then it's dangled
02:51:09 15 something out there that doesn't reach the conclusion of
02:51:09 16 accuracy.

02:51:09 17 MS. DURST: Respectfully, I disagree with that, Your
02:51:09 18 Honor, based on the way I asked the questions in the
02:51:09 19 deposition, knowing they had these motions in limine to
02:51:09 20 exclude his testimony.

02:51:09 21 THE COURT: What is the basis of that motion in
02:51:09 22 limine?

02:51:09 23 MS. DURST: There are a number of bases; one is that
02:51:09 24 he can't give you the opinion that use of force is objectively
02:51:09 25 similar in this case, that events could have not happened the

02:51:09 1 way he described -- that the suspect or officer described
02:51:09 2 them, which is similar to what he is describing here. He said
02:51:09 3 it couldn't have happened the way Deputy Forsyth described
02:51:09 4 that happened, so it's just for credibility. I am not arguing
02:51:10 5 that he was excluded in those cases.

02:51:10 6 MR. UMINA: Your Honor, I was just about to object to
02:51:10 7 this line of questioning. There is no way to verify if he
02:51:10 8 wasn't aware and he wasn't made aware, like for example when I
02:51:10 9 have worked him, he actually -- she asked, you know, if there
02:51:10 10 were *Daubert* motions, please let me know. There is no way of
02:51:10 11 verifying whether he knows if an attorney did or did not tell
02:51:10 12 him about a *Daubert* motion.

02:51:10 13 Additionally, this is, I mean, extremely misleading
02:51:10 14 information to the jury. I think it has -- I mean, just under
02:51:10 15 403, the jury doesn't understand that lawyers file those
02:51:10 16 motions often as a matter of form, so the variety of those and
02:51:10 17 how much weight those motions actually carried when they were
02:51:10 18 filed, there is no way --

02:51:10 19 THE COURT: We are not -- is there a motion filed,
02:51:10 20 Ms. Durst? What are we even talking about?

02:51:10 21 MR. UMINA: In Florida, Your Honor.

02:51:10 22 MS. DURST: Where he was an officer.

02:51:10 23 THE COURT: Is there responses to that motion filed?
02:51:10 24 Was there --

02:51:10 25 MS. DURST: I don't have that information, Your

02:51:10 1 Honor. I have the motion that was electronically filed with
02:51:10 2 the federal court that was the subject of the motion.

02:51:10 3 THE COURT: There is no docket. You have no ability
02:51:10 4 to access, no response, there is no hearing that was
02:51:11 5 conducted.

02:51:11 6 MS. DURST: I didn't access that docket, Your Honor.
02:51:11 7 That information came from the attorney who actually
02:51:11 8 electronically filed the motion.

02:51:11 9 THE COURT: All that you know is that motion was
02:51:11 10 filed.

02:51:11 11 MS. DURST: I know that a motion was filed, and I
02:51:11 12 know he testified that he did not believe he was the subject
02:51:11 13 of any motion, and the attorneys would have made him aware.
02:51:11 14 That's what he said.

02:51:11 15 THE COURT: We have all run across bad lawyers. We
02:51:11 16 are going to excuse the jury for the afternoon break, and we
02:51:11 17 are going to -- you are going to ask him these questions out
02:51:11 18 of the presence of the jury. I don't think it's an issue --
02:51:11 19 credibility issue, but we are not going to -- we are not going
02:51:11 20 (inaudible) allegation for inference with his credibility that
02:51:11 21 is not supported. If he doesn't know about this, then it's
02:51:11 22 not coming in. We are going to excuse the jury. We will --
02:51:11 23 you can ask those questions outside the presence of the jury.

02:51:11 24 (Bench conference concluded, and the following
02:51:11 25 transpired in open court.)

02:51:11 1 THE COURT: We are going to let you leave and stretch out
02:51:13 2 here for 15 minutes or so. It's about ten 'til three right
02:51:16 3 now. So our aspirational goal will be to resume Mr. Root's
02:51:21 4 testimony -- excuse me, five after three. We are going to
02:51:25 5 excuse you for an afternoon break.

02:51:28 6 Please continue to refrain from discussing this case with
02:51:31 7 anyone, that includes with any of your fellow jurors or even
02:51:33 8 in small groups and in anyone outside the jury room. Also
02:51:38 9 please continue to refrain from any independent investigation
02:51:41 10 efforts with respect to this case or issues that have been
02:51:44 11 raised in this case.

02:51:45 12 At this point we will let you stretch your legs for an
02:51:47 13 afternoon break and we will see you in about 15 minutes.
02:51:51 14 Thank you very much.

02:51:51 15 (The jury exited the courtroom at 2:52 p.m., and the
02:52:18 16 following transpired in open court.)

02:52:18 17 THE COURT: Thank you all. Please be seated.
02:52:18 18 Mr. Root, just so you are aware of what's going on, Ms. Durst
02:52:18 19 is going to ask you a few more questions outside the presence
02:52:21 20 of the jury.

02:52:21 21 Ms. Durst, you may proceed whenever you're ready.

02:52:24 22 MS. DURST: Thank you, Your Honor.

02:52:24 23 BY MS. DURST:

02:52:25 24 Q. Mr. Root, just following up on one of the questions that
02:52:27 25 I was asking you. Do you recall me asking you specifically in

your deposition with regard to *Daubert* motion, or motions to exclude?

A. Yes.

Q. Okay. And do you recall specifically testifying that if there has been a challenge, quote, "They've always gotten me because they want to discuss whatever the challenge might be." And I can refer you to your deposition, it's page 79, lines 18 through 20.

A. What was --

Q. 18 through 20.

A. Okay. You left out the part, "It's now part of my service agreement," that's only been within the last year, but whatever this deposition was I had to change my service agreement because I have learned that things take place outside of my knowledge and I have no way of knowing if someone has filed something unless an attorney tells me.

So I actually made it a part of my service agreement. Whether they continue to do that or not, they are obligated by contract now.

Q. Okay. But then you say, "As a matter of fact, now it's a part of my actual agreement and they have to tell me. But prior to, if there had been a challenge, they've always gotten me because they want to discuss whatever the challenge might be."

So your testimony was -- before you placed it in your

02:54:09 1 service agreement, prior to that -- if there was a challenge,
02:54:11 2 the attorneys always got to you to discuss whatever the
02:54:14 3 challenge might be. Was that your testimony?

02:54:17 4 A. That was, from my point of reference which was, if they
02:54:21 5 contact me saying there was a challenge, I knew about it, and
02:54:25 6 they would work with me. I guess now looking back on the way
02:54:28 7 you interpret it, I would be better served saying, if they
02:54:32 8 tell me, they'll always get me, because at the time I didn't
02:54:36 9 presume it would be used in the manner that you would.

02:54:38 10 But if they told me there was a challenge, I work
02:54:43 11 hand-in-hand as best I can to provide them with whatever they
02:54:47 12 need. So the manner in which I said in that way and the way
02:54:50 13 you're taking it, I don't think are the same, but those are
02:54:52 14 the words that I said on that day.

02:54:54 15 MS. DURST: Those are, I mean, that's the testimony I
02:54:56 16 would ask, Your Honor, with regard to his testimony, that
02:54:59 17 prior to adding that into his service agreement, "They would
02:55:01 18 have always gotten to me because they wanted information with
02:55:06 19 regard to challenge."

02:55:07 20 THE COURT: Well, I think we need to get to --

02:55:10 21 MS. DURST: Okay. I didn't know how far you wanted
02:55:10 22 me -- apologies.

02:55:10 23 BY MS. DURST:

02:55:12 24 Q. So you would agree with me then, would you not, Mr. Root,
02:55:16 25 based on that testimony that we've just gone over that you

1 should have been made aware of a motion in limine or a motion
2 to exclude that was filed in a case in Florida, middle
3 district of Florida in federal court, do you remember the
4 *Torres vs. Bonetti* case?

5 A. Oh, my goodness that was years and years ago, well before
6 my contract. So according to my testimony here, that case
7 would not even be a part of it because I don't recall them --
8 I would have to pull that file that there was a challenge to
9 me and I was made aware of it. I would have documents in my
10 file if I was made aware of it. That's all I can tell you.

11 If you have another question you want to ask -- I just
12 want to be very clear with the Court, that that particular
13 matter you're talking about is 2000 and -- was it, I don't
14 even know the year, so you have it in your hand, could you
15 tell the Court what the year was?

16 Q. This motion was filed May 1st of 2013.

17 A. 2013. So like I said, at the time of this, which was in
18 2019?

19 Q. The deposition was --

20 A. So six years before, I can't attest to that, but within
21 the time of our deposition, I made an addition -- that
22 contract -- would be able to pull for the Court the contract,
23 that kind of language and things aren't even in the contract.

24 Q. Okay. But going back to your sworn deposition testimony
25 in this case, you said before you put it in your service

1 agreement, before that, the attorneys would have always gotten
2 to you.

3 So is your testimony that the attorneys would not have
4 told you about the motion that was filed in *Torres vs.*
5 *Bonetti*?

6 A. Ma'am, I can't tell you whether they would or wouldn't,
7 just like the reason I have a contract now is because there
8 were attorneys, when my CV was online without the watermark,
9 that were including me in their case before they ever retained
10 me, thus the reason this progresses.

11 I realize the manner which you're -- the context that
12 you're taking my testimony, and I can understand how would you
13 like to apply it that way, but if an attorney reaches out to
14 me, if there was a *Daubert* hearing and they reached out to me,
15 they would always get me because I will make myself available
16 to them. I can't speak to that case from 2013 without pulling
17 the file.

18 Q. So as we sit here today, are you able to tell the Court
19 that you were aware of that motion or not?

20 A. 2013 case, sir, with all the cases -- I can't tell you
21 for certain one way or the other, in all honesty.

22 THE COURT: Who was Mr. Root retained by in that
23 case?

24 MS. DURST: He was retained by the plaintiff Carmen
25 Suarez.

02:57:50 1 THE COURT: Counsel, do you have those?

02:57:50 2 MS. DURST: Well, there should be a certificate of
02:57:54 3 service.

02:57:55 4 THE COURT: In theory.

02:57:56 5 MS. DURST: In theory. It was sent to David H. Paul
02:58:02 6 and Jason A. Paul of Paul & Perkins in Orlando, Florida and
02:58:09 7 Travis Williams in Orlando, Florida.

02:58:13 8 THE WITNESS: Travis Williams, I remember the name,
02:58:15 9 Travis Williams, that -- the attorney that --

02:58:16 10 THE COURT: What is name of that case, Ms. Durst?

02:58:17 11 MS. DURST: It is Carmen Torres, Your Honor,
02:58:21 12 T-o-r-r-e-s, as personal representative of the estate of
02:58:34 13 Johnny Bolaud, LLC. vs. Frank Bonetti, B-o-n-e-t-t-i

02:58:34 14 THE COURT: Sir, do you recall these counsel in this
02:58:37 15 case advising you that a motion with respect to your
02:58:41 16 qualifications or opinions was filed?

02:58:45 17 THE WITNESS: I really don't. I can't say.

02:58:49 18 THE COURT: Understood. I guess I'll call this
02:58:54 19 Mr. Umina's objection, even though the Court prompted the
02:58:58 20 conversation, the objection is sustained. We're not going to
02:59:00 21 go down that road based on what we've heard here, Ms. Durst.

02:59:05 22 We don't have any other information other than the motion
02:59:09 23 was filed, I think that would make it more appropriate effort
02:59:15 24 for impeachment response to hearing anything that would prove
02:59:18 25 Mr. Root's knowledge of the motion or participation in

02:59:21 1 opposition to the motion. As I indicated at the bench
02:59:25 2 conference, my concern with this line of testimony is that it
02:59:28 3 is an effort of impeachment. I understand that. Credibility
02:59:31 4 is always at issue, but we're dependent upon that impeachment
02:59:38 5 effort from third parties not here; that being the counsel
02:59:41 6 involved in the Torres case, I'm sorry.

02:59:44 7 MS. DURST: There was another one, Your Honor. I
02:59:46 8 understand the Court's ruling. Just for the record, the other
02:59:48 9 matter I would have questioned Mr. Root about would have been
02:59:50 10 *Shawn Noble*, N-o-b-l-e vs. *Michael Gasbarrini*,
02:59:59 11 G-a-s-b-a-r-r-i-n-i, et al. And it was in the Southern
03:00:02 12 District of Florida, Your Honor.

03:00:04 13 THE COURT: Southern District of Florida?

03:00:06 14 MS. DURST: Yes, Your Honor.

03:00:07 15 THE COURT: And do we know anything else about that
03:00:09 16 matter other than a motion was filed?

03:00:09 17 MS. DURST: The same information, Your Honor.

03:00:10 18 THE COURT: So we don't know if a response was filed,
03:00:12 19 if it was fully briefed, if there was a motions hearing held,
03:00:15 20 or anything like that?

03:00:16 21 MS. DURST: I do not, Your Honor. I cannot tell the
03:00:20 22 Court I just have the electronic filing with the motion and
03:00:22 23 supporting memorandum and then --

03:00:24 24 THE COURT: Who was plaintiff's counsel in that -- or
03:00:26 25 I'm making an assumption, but who was counsel in that case?

03:00:29 1 MS. DURST: Yeah, Mr. Root was retained by
03:00:31 2 plaintiff's counsel, and -- bear with me one minute, Your
03:00:41 3 Honor.

03:00:41 4 THE COURT: Sure. Sure.

03:00:43 5 MS. DURST: Plaintiff's counsel was Brett Waronicki,
03:00:48 6 W-a-r-o-n-i-c-k-i.

03:00:52 7 THE COURT: All right. Do you recall ever being told
03:00:55 8 about any motions challenging your qualifications or opinions
03:00:58 9 by Mr. Waronicki. -- and what was the name of that case again?

03:01:01 10 MS. DURST: Oh, I'm sorry, Your Honor. *Noble vs.*
03:01:01 11 *Gasbarrini, et al.*

03:01:04 12 THE WITNESS: No, sir.

03:01:05 13 THE COURT: All right. Same ruling. I appreciate
03:01:09 14 the record there, Ms. Durst, objection is noted. Objection is
03:01:13 15 sustained.

03:01:15 16 MS. DURST: Understood the Court's ruling, Your
03:01:17 17 Honor.

03:01:17 18 THE COURT: Thank you. Anything else we need to take
03:01:19 19 up at this point, Mr. Umina?

03:01:20 20 MR. UMINA: Nothing from us, Your Honor.

03:01:21 21 THE COURT: Ms. Durst?

03:01:21 22 MS. DURST: No, Your Honor.

03:01:22 23 THE COURT: All right. You guys have five minutes.
03:01:25 24 See you in five. Thank you.

03:10:16 25 (A recess was taken from 3:01 p.m. until 3:10 p.m.)

03:10:16 1 THE COURT: Ms. Durst, are you ready to proceed,
03:10:18 2 ma'am?

03:10:19 3 MS. DURST: I am, Your Honor.

03:10:20 4 THE COURT: May we have our jury, please, then.

03:10:26 5 (Jury returned to courtroom at 3:11 p.m., and the
03:10:30 6 following transpired in open court.)

03:11:13 7 THE COURT: Thank you. Ladies and gentlemen, please
03:11:14 8 be seated.

03:11:16 9 You may proceed whenever you are ready.

03:11:19 10 MS. DURST: Thank you, Your Honor.

03:11:19 11 BY MS. DURST:

03:11:25 12 Q. Mr. Root, you would agree that you are not an expert in
03:11:29 13 trajectory -- sorry.

03:11:32 14 MS. DURST: Apologies, Your Honor.

03:11:33 15 THE COURT: No apologies necessary.

03:11:33 16 BY MS. DURST:

03:11:34 17 Q. You are not an expert in trajectory analysis of a bullet,
03:11:38 18 correct?

03:11:38 19 A. Correct.

03:11:39 20 Q. You are not capable of -- well, let me ask it this way:
03:11:43 21 You do not hold yourself out to be an expert in calculating
03:11:47 22 the path of a bullet, correct?

03:11:48 23 A. Correct.

03:11:48 24 Q. You are not a ballistics expert?

03:11:50 25 A. No.

03:11:51 1 Q. You are not an expert in the field of shooting scene
03:11:55 2 reconstruction?

03:11:56 3 A. Correct.

03:11:56 4 Q. And you are not an accident reconstruction expert, are
03:12:00 5 you?

03:12:00 6 A. That's correct.

03:12:01 7 Q. Now, you've told this jury that you went to the scene
03:12:06 8 after you got here to West Virginia for your trial testimony,
03:12:10 9 but at no point in time when you formulated your opinion or
03:12:14 10 before you gave your deposition in this case, had you ever
03:12:18 11 been at the scene; is that true?

03:12:19 12 A. That is correct.

03:12:20 13 Q. Now, one of the things I believed you told Mr. Umina was
03:12:27 14 you don't believe that Deputy Forsyth and Deputy Love were
03:12:34 15 actually in pursuit of Mr. Rhoades at the time because they
03:12:41 16 had lost sight of him; is that true?

03:12:41 17 A. Deputy Love and Deputy Forsyth?

03:12:43 18 Q. Yes.

03:12:44 19 A. Were -- correct, they were actively searching for him.

03:12:46 20 Q. Because I think you said, "They lost sight. They were no
03:12:49 21 longer in pursuit, " in your deposition; do you recall that?

03:12:51 22 A. Sounds about right.

03:12:52 23 Q. Okay. One of the things that you reviewed in this case
03:12:56 24 to formulate your opinions, was, then sergeant, now Lieutenant
03:13:02 25 Branham's deposition testimony, correct?

03:13:03 1 A. That is correct.

03:13:04 2 Q. Do you recall Sergeant Branham being asked with regard to
03:13:08 3 how the West Virginia State Police defined a pursuit?

03:13:12 4 A. Off the top of my head, no.

03:13:15 5 Q. You don't recall if he said somebody initiates a pursuit,
03:13:19 6 even if the vehicle is out of their visual sight, by state
03:13:23 7 police standards they are -- still considered that to be a
03:13:26 8 pursuit; do you recall that?

03:13:27 9 A. I don't recall that, no.

03:13:29 10 Q. Okay. So based on your testimony here today, you
03:13:33 11 disagree if that is, in fact, what Lieutenant Branham
03:13:37 12 testified to, that the West Virginia State Police standards
03:13:40 13 are that they would still consider that to be a pursuit even
03:13:43 14 if they lost visual sight, you wouldn't consider to be a
03:13:47 15 pursuit.

03:13:48 16 Am I understanding your testimony?

03:13:50 17 A. Well, I don't think Deputy Forsyth works for the West
03:13:54 18 Virginia State Police, but the way I define it and the way I
03:13:58 19 look at it, if you're not actively pursuing a vehicle, you're
03:14:03 20 actually searching for the vehicle. And, again, probably
03:14:06 21 don't remember it because he was talking about the standards
03:14:08 22 of the West Virginia State Police.

03:14:11 23 Q. Okay. Would you agree with me, Mr. Root, that none of
03:14:17 24 us, me, counsel, my co-counsel, none of us know exactly how
03:14:22 25 this incident with Mr. Rhoades began and where it ended up?

03:14:27 1 A. Correct. It's only Deputy Love and Deputy Forsyth that
03:14:30 2 can provide us with information.

03:14:32 3 Q. Because none of us were there, right?

03:14:35 4 A. And the scene. But none of us were there. We can't
03:14:38 5 speak to it firsthand.

03:14:39 6 Q. Would you agree with me that in the evaluation of the use
03:14:43 7 of force in this case, the perception that's important is what
03:14:48 8 took place in Deputy Forsyth's mind at the time he fired his
03:14:52 9 weapon?

03:14:54 10 A. Yes, absolutely. The objectively reasonable perception
03:14:58 11 of the officer.

03:14:59 12 Q. And as long as Deputy Forsyth had a perception that he
03:15:03 13 was in imminent peril of great bodily injury or death, he
03:15:08 14 would be justified in discharging his firearm, true?

03:15:11 15 A. It would have to be a well-founded perception.

03:15:15 16 Q. I think in your deposition you said, "honest perception,"
03:15:18 17 is that what you're telling the jury?

03:15:20 18 A. Honest perception, well-founded, pretty much the same
03:15:24 19 thing to me; based on what the officer saw, knew, and
03:15:28 20 understood of the totality of the event facing him at that
03:15:32 21 time to form the perception.

03:15:33 22 Q. So if in Deputy Forsyth's well-founded perception, honest
03:15:40 23 perception -- whatever word want to use -- was that he was in
03:15:42 24 fear that Mr. Rhoades' actions were going to cause great
03:15:46 25 injury to him or death, then he would have been justified in

03:15:51 1 discharging his firearm?

03:15:53 2 A. Fear justifies the application of force, but facts make
03:15:57 3 fear reasonable. So merely saying, "I was in fear for my
03:16:01 4 life," is one thing. Having the facts and information in
03:16:04 5 support of that fear, is another.

03:16:06 6 So if Deputy Forsyth said, "I was in fear for my life,"
03:16:10 7 and facts and the circumstances all support that fear, then,
03:16:15 8 yes, that would be objectively reasonable.

03:16:17 9 Q. I used your word. I said, so Deputy Forsyth had a
03:16:20 10 "well-founded or honest perception" that he was about to be
03:16:25 11 struck by that Jeep, he would have been justified in
03:16:27 12 discharging his weapon. Using your word, "well-founded
03:16:31 13 perception"?

03:16:32 14 A. Okay. I was expounding on it.

03:16:36 15 Q. Now, I wanted to talk with you about the statements at
03:16:41 16 the hospital. So you concede that there was nothing wrong
03:16:46 17 with Deputy Forsyth or Deputy Love not wanting to give
03:16:51 18 sergeant -- then Sergeant Branham a statement the day of the
03:16:54 19 shooting, right?

03:16:56 20 A. Did you say I concede?

03:16:57 21 Q. Yes.

03:16:58 22 A. Yes, ma'am. Yes.

03:16:59 23 Q. And there was nothing wrong with them waiting to the time
03:17:02 24 frame when they actually gave the statements, true?

03:17:05 25 A. True.

Q. And, in fact, you said that you would have recommended they actually have an attorney with them, right?

A. And a union representative if they have a union.

Q. Okay. And part of your explanation for the timing of when they give those statements is if someone is in, like, a life threatening situation, they need to be able to decompress and kind of calm down; is that fair?

A. That is all part of it, yes.

Q. Okay. So based on the fact that you can see that there was nothing wrong with Deputy Forsyth or Deputy Love waiting to give those statements, you concede that they were in a life-threatening situation?

A. No. If an individual indicates that they were -- I give benefit of the doubt to the officers involved. If they say they were in a life or death situation, I have no problem with the timing, none of that. But giving them the time doesn't mean that what they're saying is or is not true.

It's just if the -- event we know there were -- a weapon was discharged, we know that. So take the time that you need to meet that timeline that we discussed earlier, so I don't have to rehash it for the jury, I'm sure they are comfortable with it.

Q. You would agree that a moment an individual, whoever that person is, whether it's a private citizen, law enforcement officer, whomever it is, the moment that individual feels that

they are in a situation that places them in danger of great bodily harm or death, that it is objectively reasonable for them to use force that will also result in great bodily harm or death?

A. Yes.

Q. You also agree with the statement, I think you told the jury in one your answers, that fear justifies force?

A. Yes.

Q. And what you consider a reasonable fear, what I consider to be a reasonable fear would be different or could be different because everyone is different based on their background, their education, training, experience, and the information that's available regarding that particular threat; do you agree with that?

A. I agree with the fear -- the way you said I want to make sure I'm clear. What makes you afraid could be very different from what makes me afraid. We're all different. It's based on our experience in life. So that's -- it is independent of every individual.

Q. Okay. So what you would consider to be a potential threat facing you might be different than what Deputy Forsyth would consider to be a threat facing him because of your differences, experience in life, right?

A. Well, sure. I have no problem with that. Yes, that's fair.

03:19:57 1 Q. And a situation such as an individual that is facing a
03:20:01 2 threat from a weapon, is a very fluid event?

03:20:07 3 A. Oh, yes, absolutely.

03:20:09 4 Q. And that you have to consider all of the information to
03:20:13 5 see if it's reasonable for the person facing that threat to
03:20:18 6 come to the conclusion that he or she needs to use deadly
03:20:21 7 force to protect him or herself?

03:20:24 8 A. Yes.

03:20:28 9 Q. And you take into consideration everything you learned
03:20:30 10 about an individual, right?

03:20:31 11 A. I take into consideration everything that is presented to
03:20:35 12 me, yes.

03:20:36 13 Q. Okay. And would you agree that when you are dealing with
03:20:40 14 a suspect armed with a deadly weapon, fractions of a second
03:20:45 15 can make a difference between a law enforcement officer going
03:20:49 16 home at the end of his shift or having a law enforcement
03:20:54 17 officer's funeral?

03:20:55 18 A. Yes.

03:20:56 19 Q. And in terms of a deadly weapon, we can agree that a
03:20:59 20 vehicle can be a deadly weapon, right?

03:21:02 21 A. Yes.

03:21:02 22 Q. And you would agree that it's not unusual for police
03:21:07 23 officers to be struck by vehicles of people who are trying to
03:21:11 24 flee?

03:21:11 25 A. It has happened many times.

Q. And you would agree with me that there are a number of factors that you would consider with respect to what is or is not considered to be a threat when you are evaluating the use of deadly force?

A. Yes.

Q. One of those factors would be the position of the officer and the threat?

A. Yes.

Q. The distance from the police officer to that threat?

A. Yes.

Q. And the closer the officer is to the threat, the greater the threat will be?

A. Yes. Firearms being kind of excluded because there's much greater distance. It's really a moot point with a weapon, but yes, in general terms, the closer they are to the delivery of that threat, the more risk there is of a successful delivery.

Q. And, in fact, you can actually have a threat where someone is not armed, like in the *LeMasters'* situation, where the individual who ended up being shot actually didn't have a weapon at the time, right?

A. That's correct.

Q. Do you recall a case in Florida, Mr. Root, where two law enforcement officers, Deputy Swaronski (phonetic) and Deputy Muncie (phonetic); do you recall the case?

03:22:37 1 A. Yes.

03:22:37 2 Q. They actually -- those law enforcement officers actually
03:22:41 3 shot two individuals, a Mr. Treeman (phonetic) and a Mr. Perry
03:22:44 4 (phonetic), right? Do you recall that?

03:22:46 5 A. I don't recall the people's name in the car, but I
03:22:49 6 remember the deputies.

03:22:50 7 Q. Okay. So fair enough. You recall a case in Florida
03:22:52 8 where two deputies, whose name I gave you, shot two suspects
03:22:56 9 in a vehicle?

03:22:57 10 A. Yes.

03:22:57 11 Q. Okay. And those suspects were not armed with a knife, a
03:23:03 12 gun, or anything like that, true?

03:23:05 13 A. I can't speak -- I don't recall that part.

03:23:11 14 Q. Would you agree that those suspects were using their
03:23:14 15 vehicle as a weapon toward those law enforcement officers?

03:23:18 16 A. I believe that was the case, but I don't remember what
03:23:21 17 was found inside the car.

03:23:23 18 Q. And in that case, you actually found that there were no
03:23:26 19 violations of any policy or procedure in those law enforcement
03:23:31 20 officers shooting those suspects, did you?

03:23:33 21 A. In that, no.

03:23:34 22 Q. In that case, though, you were actually with the Martin
03:23:37 23 County Sheriff's Department, you were still on staff with the
03:23:41 24 sheriff's department, not being paid as an expert witness like
03:23:44 25 you are here; is that fair?

03:23:46 1 A. Correct. That was limited to the agency for that review.

03:23:49 2 Well -- and I don't know if that went to the grand jury or
03:23:53 3 not, but I served as the force specialist for the agency.

03:23:56 4 Q. So aside from your regular compensation through the
03:23:59 5 sheriff's department, you didn't receive any further
03:24:02 6 compensation for the time you spent in the preparation of
03:24:05 7 those opinions?

03:24:05 8 A. Not that I can recall.

03:24:09 9 Q. One of the other factors that you would look at
03:24:12 10 considering whether to evaluate a threat and to use deadly
03:24:14 11 force is the demeanor of the suspect, right?

03:24:17 12 A. Yes.

03:24:18 13 Q. And prior actions of the suspect, right?

03:24:21 14 A. Prior actions?

03:24:24 15 Q. Yes.

03:24:25 16 A. They can be, yes.

03:24:26 17 Q. These factors -- did you walk through that analysis, like
03:24:31 18 the position of the threat to the officer, the demeanor of the
03:24:35 19 suspect, did you walk through any of that in your analysis in
03:24:39 20 this case?

03:24:39 21 A. No. It's not a possibility for an expert that they walk
03:24:47 22 through every option, otherwise the jury would be here for six
03:24:51 23 years.

03:24:51 24 Q. So the factors that you just agreed that you should take
03:24:55 25 into consideration, in a use of force analysis, you did not go

1 through that specific analysis in that case -- in this case;
2 is that fair?

3 A. No, it's not. All those variables were considered they
4 just weren't what we discussed amongst all the other variables
5 we discussed, because there is a lot -- there's even more than
6 that that we could discuss.

7 Q. Did you note anything in your opinions about
8 Deputy Forsyth and Deputy Love's testimony that Mr. Rhoades
9 was not complying with the commands to, "Show me your hands.
10 Get out of the car?"

11 A. Based solely on Deputy Forsyth's and Deputy Love's
12 statements?

13 Q. Yes.

14 A. Did I say anything about that?

15 Q. Did you have any discussion in your opinions in this case
16 or the testimony that you provided to this jury about whether
17 you took into consideration Mr. Rhoades' failure to comply
18 with the commands to, "Stop the vehicle. Show me your hands?"

19 A. Well, that would have to be if I found that -- if I felt
20 that the use of force was justified, I would be explaining
21 those elements as well, but since the opinion is to the
22 negative, then I don't believe it's justified because I don't
23 believe that, given the totality of this event and all the
24 information available, that those were actually the sequence
25 of events.

Q. So your testimony is you don't believe Deputy Forsyth provided commands to Mr. Rhoades to, "Stop the vehicle. Show me your hands," and you believe Mr. Rhoades complied? Is that your testimony?

A. I never said Mr. Rhoades complied.

Q. Okay.

A. That never came out of my mouth.

Q. Okay.

A. I was very clear. Based on the statements and the information, my opinion was, I don't feel the shooting was objectively reasonable. The fact that he said he gave commands, that the vehicle was moving, the vehicle stopped, the vehicle -- there were so many conflicts within the statements I'm not going to just cherry-pick one thing and say well, this is okay and this one is not. I have to consider all of those elements and then try to combine those with the physical evidence at the scene to come to the opinions that I find.

Q. We'll talk about the conflict in the statements here in a minute. You testified with regard to Mr. Faulkner and the opinions that he's given in this case, correct?

A. I believe there was a question on him, yes.

Q. In fact, Mr. Umina actually asked you about Mr. Faulkner near the end of your direct testimony; do you recall that?

A. Yes.

Q. You have obviously seen Mr. Faulkner's report in this case and his background and education and experience, true?

A. I have seen CV, yes.

Q. And you're aware that Mr. Faulkner has done research studies with subjects, I think about 60,000 research subjects over the years, some for the justice department to determine what level of force is appropriate based on a particular threat; do you recall that?

A. I'm aware of the study. I never actually seen the outcome or the data that goes with the study or anything, it's just I've done this and I know I personally took his -- participated in his survey four times online.

So I know he questions a lot of civilians and I know he's indicated he's done studies and things like that. I'm not going to speak to the studies because I've never actually seen one.

Even in the -- he references them in his report but, were not actually provided with the study. So I can't speak to the validity of the study, but I do speak to the comparison between the average individual, and law enforcement officers identification and assessment of a force event because what some people who have no background, training, or experience in law enforcement and been through the training won't understand when officers are or are not allowed to use force and what certain threats are.

03:28:48 1 The manner in which you pose a question, can influence
03:28:51 2 the outcome of the result. So as for his studies, I know
03:28:56 3 they're cited in his report. I know he talks about them,
03:29:00 4 but -- and I did ask for, can we get the studies? Can we see
03:29:05 5 something? I went online, I saw a piece that was there --
03:29:07 6 it's not there anymore -- but I can't get the information.

03:29:11 7 Q. Well, let me ask this: Have you ever done any similar
03:29:15 8 research studies of your own?

03:29:17 9 A. The only -- as far as published studies? I don't think
03:29:19 10 his are published studies, but I don't know for sure. The
03:29:24 11 only studies or research I've done is actually talking to the
03:29:28 12 officers involved in real life use of force events and what
03:29:31 13 happened to them, and go through their experiences to better
03:29:35 14 understand how they're being influenced, that's the extent of
03:29:39 15 it, because as the force specialist for the agency and also
03:29:43 16 working with the academy, I had the opportunity to meet a lot
03:29:46 17 of the officers that, sadly, were placed in positions to have
03:29:49 18 to use deadly force, but I don't have an online study or
03:29:54 19 anything like that.

03:29:55 20 Q. And no published material that reflects the compilation
03:29:59 21 of all that information that you just talked about where we
03:30:02 22 could go and find, true?

03:30:03 23 A. Right, that's what I said. I don't have a published
03:30:05 24 study. I've just done real life experience assessments.

03:30:09 25 Q. And you are aware that Mr. Faulkner has also done real

03:30:13 1 life assessments, true?

03:30:14 2 A. I can't speak to his real life law enforcement
03:30:18 3 experience.

03:30:18 4 Q. Okay. You would agree with me, would you not, Mr. Root,
03:30:23 5 that the factors that you would use or that could cause a
03:30:30 6 threat to become more imminent to a law enforcement officer,
03:30:35 7 again, is the distance or proximity of the threat to the
03:30:39 8 officer?

03:30:39 9 A. Yes.

03:30:40 10 Q. Okay. A lack of communication with the suspect?

03:30:45 11 A. Sure.

03:30:46 12 Q. And if the suspect is failing to follow the law
03:30:49 13 enforcement officer's commands or orders, right?

03:30:53 14 A. Yes.

03:30:54 15 Q. After a police officer recognizes a deadly threat, or
03:31:03 16 anybody recognizes a deadly threat, that person has to take
03:31:08 17 some kind of action to attempt to neutralize the threat in
03:31:14 18 some manner, right?

03:31:15 19 A. Yes.

03:31:15 20 Q. And neutralizing the threat could include firing a round
03:31:21 21 from your weapon at the threat?

03:31:24 22 A. That's one of the options, yes.

03:31:26 23 Q. And an important component of recognizing the threat and
03:31:32 24 taking action in response to the threat is the reaction time
03:31:38 25 between when you see the threat, and when your mind tells your

body you need to take some kind of action, right?

A. That is a part of it, yes.

Q. And during the time that you are recognizing that threat, and your brain is telling you -- telling your body, I guess, what to do, you can have a situation where that threat is still moving, right?

A. Oh, yes.

Q. And the threat could actually be moving toward you in your direction, right?

A. Yes.

Q. And the training -- you've talked about your training, you've actually provided training to individuals with respect to shooting at targets, have you not?

A. Shooting at targets, shooting at people.

Q. Okay. So you've provided training, and there would be times that the individuals -- well, let me ask this: That training, is it specific to law enforcement officers?

A. No. I've done training for law enforcement, private individuals, I did some training -- not firearms training with the military, it was more control tactics and non-lethals but the firearms training shooting was law enforcement and private individuals.

Q. With regard to the timing of when you expect an individual to be able to take action in response to a threat, is that different if it's an individual citizen or a law

03:33:02 1 enforcement officer?

03:33:04 2 A. This is a very complex concept. The reaction time is
03:33:13 3 consistent amongst humans across the board. In other words,
03:33:16 4 whether you're a police -- a male, female police officer, or
03:33:20 5 male, female individual, reaction times generally -- and I'm
03:33:23 6 generalizing just for presentation, figure a third of a
03:33:27 7 second. You have reaction time and you have response time.

03:33:32 8 Reaction time is the time it takes for you to see,
03:33:35 9 interpret, and acknowledge a given threat and have your brain
03:33:40 10 decide what weapon, technique, whatever, is appropriate.

03:33:44 11 The response time is the amount of time that it takes to
03:33:47 12 complete the action of whatever it was. I'm sorry, the
03:33:51 13 movement time. So reaction time, movement time, equal
03:33:54 14 response time.

03:33:55 15 So when I see a threat, if it takes a third of a second
03:33:58 16 for me to see it, interpret it, and create the movement -- or
03:34:01 17 start the movement, like in your case where you said, I see a
03:34:05 18 threat and I'm going to shoot it, the reaction time is a third
03:34:07 19 of a second, then movement time, how long is it going to take
03:34:10 20 me to get my weapon out of holster and put one round down
03:34:14 21 range is movement time.

03:34:15 22 When that first bullet is fired, the action has been
03:34:20 23 completed, that is the response time.

03:34:22 24 Q. And you would expect for law enforcement officers that
03:34:26 25 that to occur in about two seconds or ideally less, you would

1 want the officers to see the threat, perceive the threat,
2 react to the threat, and make a decision as to whether to
3 shoot that threat or not, right?

4 A. If you're talking a target, yes, because that's the
5 established standard by Safari Land for the firearms holsters
6 when you have turning targets, when the target turns towards
7 the officer, the threat is presented, they need to see it,
8 react to it, and have one round down range, be proficient with
9 the holster, it needs to be done in less than two seconds. If
10 it takes longer than two seconds for that action to be
11 completed, that's not acceptable. So our goal is always to
12 make it faster than that. We would like it to be as fast as
13 possible given how quickly a threat can be presented.

14 Q. So, again, then with a threat being presented in front of
15 you, if it's not a turning target, as you described, but if
16 it's a threat presented to you, you would still expect the law
17 enforcement officer to see the threat, perceive the threat,
18 react to the threat and take action in response to the threat
19 ideally in two seconds or less?

20 A. In an outdoor environment there's a lot of things that go
21 into it. It's not as simple as a yes or no. I'm not trying
22 to avoid your question. What are you focused on? What are
23 you looking at?

24 For example, if I'm looking at this bottle right here and
25 a threat suddenly presents itself I have to redirect my

1 attention to that. Ideal world if we could have law
2 enforcement see, respond, and react the same way in a real
3 world environment that they do on the range, we would be more
4 successful. It would be great if we could get -- and that
5 would be an ultimate goal of training is to get them to
6 respond to that threat in that period of time. But it may
7 take longer and it might not be the fault of the officer, but
8 it is the goal and it is the preferred amount of time. Faster
9 is always better.

10 Q. Do you recall you testified at the very beginning that
11 when you testified in cases, not just in this case, but you
12 have testified truthfully, correct?

13 A. Yes.

14 Q. And you testified in the case of *Noble vs. Gasbarrini* in
15 the United States District before the Seventh District of
16 Florida, correct?

17 A. Yes.

18 MS. DURST: Your Honor, may I approach?

19 THE COURT: You may.

20 BY MS. DURST:

21 Q. Mr. Root, can you look at the front page and confirm that
22 this is a transcript from your deposition in *Noble vs.*
23 *Gasbarrini*; do you see that?

24 A. Yes.

25 Q. And what's the date of the deposition?

03:37:11 1 A. April 4, 2014.

03:37:17 2 Q. And if you look at page 70 lines 21 through 25, and you
03:37:24 3 were asked a question very similar to the way that I just
03:37:26 4 asked you. "And during as little as two seconds you would
03:37:29 5 expect a law enforcement officer to see the target, perceive
03:37:32 6 the target, react to the target and make a decision as to
03:37:34 7 whether to shoot or not, correct?"

03:37:36 8 A. Yes.

03:37:36 9 Q. Okay. And what was your answer there?

03:37:39 10 A. Well, "Yes, absolutely." Bearing in mind that that was
03:37:43 11 seven years ago and I've learned a lot more about perception
03:37:47 12 time, reaction time and a lot of things. That was my
03:37:50 13 perspective on it in its totality then, but I have had a lot
03:37:54 14 of opportunity to be in a lot more education and training in
03:37:58 15 the years past.

03:37:59 16 MS. DURST: Your Honor, may I approach?

03:38:01 17 THE COURT: You may.

03:38:02 18 THE WITNESS: And essentially it actually says the
03:38:04 19 same.

03:38:06 20 BY MS. DURST:

03:38:06 21 Q. Well, you would agree that's not the way you answered my
03:38:08 22 question in this courtroom, right? You didn't say, oh, "Yes,
03:38:12 23 absolutely," did you?

03:38:14 24 A. Well, of course not. I'm in front of a jury and not at a
03:38:17 25 deposition. I would want to be educating the jury as to the

entirety of the concept and not just locked into two seconds, but have them better understand all the things that have to be done.

But, as I said, both there and here, it would be the ultimate goal, we would absolutely want them to be able to do it as quickly as possible. If we could do it in one second, that would be even better.

Q. And so Deputy Forsyth, you would want him to be able see the Jeep, perceive the Jeep, react to the Jeep, and take action to determine whether he needed to fire or not in two seconds?

A. You're oversimplifying this and it's -- again, all these elements are taking place, you are talking about reaction time principle. Threat being presented. I am fairly confident that he knew where the Jeep was. He understood where its movements were. He understood he was standing in front of it.

You're compartmentalizing it into a period that I'm supposed to have two seconds for all of that. Which is also why I just explained to the jury that there is reaction time, movement time, make up the response time. But there are other things. What are they focused on? What are they look -- those are all things that have to be considered when you look at a use of force. I didn't say that he gets out of the car and he has under two seconds to see the Jeep, shoot the Jeep. That's not what I said.

03:39:36 1 Q. Okay. You would train the officer you were providing
03:39:41 2 training for that hesitation will get them killed, correct?

03:39:44 3 A. Yes.

03:39:44 4 Q. And you would agree with me that if an individual was
03:39:47 5 armed with a weapon, you've given that individual commands,
03:39:51 6 that individual ignores your commands, and that individual
03:39:55 7 keeps moving at you, in your direction with a weapon, you're
03:39:59 8 going to put a bullet in that person, are you not?

03:40:02 9 A. Yes.

03:40:03 10 Q. And we've agreed that armed can be armed with a vehicle,
03:40:06 11 right?

03:40:07 12 A. That is correct.

03:40:08 13 Q. Fair to say that if someone is coming at you in the
03:40:11 14 manner that I just described, that they're armed with a
03:40:17 15 weapon, you've given them commands, they're ignoring the
03:40:19 16 commands, they keep coming at you in that direction, fair to
03:40:21 17 say you're not going to wait and see whether that person
03:40:24 18 actually intends on causing serious bodily injury or death to
03:40:30 19 you, are you?

03:40:31 20 A. With a weapon. Let's not confuse -- I understand you're
03:40:34 21 saying and I agree that a car is a weapon, but what you're
03:40:38 22 saying right there, yes. If it's a weapon, I wouldn't, but I
03:40:42 23 also wouldn't be standing in front of a vehicle in the open if
03:40:46 24 I had the impression that the person could be armed. So I
03:40:50 25 don't want to mix apples and oranges.

03:40:53 1 Q. Well, you heard Deputy Forsyth testify that his intention
03:40:56 2 was to get out of the car and go to the rear of the cruiser so
03:41:00 3 he had cover, right?

03:41:02 4 A. That is what he testified to, yes.

03:41:03 5 Q. You would agree with me that whether or not an individual
03:41:09 6 was in fear for his or her life is a significant, probably if
03:41:14 7 not the factor, in determining whether or not they have a
03:41:16 8 right to use deadly force?

03:41:18 9 A. Yes.

03:41:19 10 Q. And, for example, you were actually the expert in the
03:41:24 11 George Zimmerman trial, right, where the gentleman shot
03:41:26 12 Trayvon Martin, right?

03:41:27 13 A. That is correct.

03:41:28 14 Q. And your opinion was that based on the fear experienced
03:41:31 15 by Mr. Zimmerman that he had a right to defend himself?

03:41:35 16 A. Based on the fact that the totality of the circumstances,
03:41:38 17 not just the expression of fear, but yes.

03:41:40 18 Q. Based on his fear, he had a right to defend himself?

03:41:47 19 A. Yes.

03:41:47 20 Q. And because he was in fear for his life, whether or not
03:41:51 21 Trayvon Martin actually was reaching for Mr. Zimmerman's gun
03:41:56 22 or not was a moot point in your opinion, right?

03:41:59 23 A. At the stage of the event with all the information that
03:42:01 24 was presented with regard to what was happening to him on the
03:42:05 25 ground with everything included, that is correct.

Q. Now, your opinion -- correct me if I'm wrong, from your testimony -- your opinion that the discharge of Deputy Forsyth's weapon was not objectively reasonable is based on your further opinion or finding that this incident with Mr. Rhoades could not have happened the way Deputy Forsyth described it; is that right?

A. It could be said that way, yes.

Q. And that is a consistent opinion that you've had in other cases over the years, isn't it? That the event that was described by law enforcement officer couldn't have happened the way it was described?

A. Given the facts of the cases that I've been presented with, and the information provided, it is the most polite way of saying it, yes.

Q. Well, and there was a case, do you remember the *Orr* case, I think that was in -- O-r-r. One of your opinions in that case was that the event could not have been described -- or it could not have unfolded as the parties in the case described.

Ring a bell at all?

A. You're asking me about the *Orr* case and I'm drawing a blank. If you're saying that is an opinion that I had if they were describing the event and they were lying, I don't know enough -- off the title of the case I can't remember, I'm sorry.

Q. Well, go ahead, if you would, I can at least refresh your

03:43:42 1 recollection with regard to the question. You have your
03:43:45 2 deposition there in front of you?

03:43:45 3 A. Sure.

03:43:46 4 Q. Page 186 in your deposition.

03:44:05 5 A. Okay.

03:44:06 6 Q. 186 the question starts on line two.

03:44:10 7 Question: "And we're talking about your opinion that it
03:44:13 8 couldn't have happened the way Deputy Forsyth described on the
03:44:15 9 prior page."

03:44:16 10 My question was: "That seems to be somewhat of a common
03:44:20 11 opinion for you. Do you recall in the *Orr* case that one of
03:44:22 12 the opinions you had was that the event could not have
03:44:25 13 unfolded as described by parties in that case?"

03:44:27 14 And your answer was, "Yes." And then you provided a
03:44:30 15 description that it's not necessarily an element for people
03:44:37 16 that recall things differently. But my question was, at least
03:44:39 17 in 2019 you answered yes.

03:44:43 18 So you have no recollection of what the *Orr* case is about
03:44:45 19 today?

03:44:46 20 A. Give me a moment, I'm trying to see if there is some
03:45:03 21 context where we talked about it. At this moment I'm trying
03:45:07 22 to remember the *Orr* case.

03:45:15 23 Are you saying that this was a police case, a civil
03:45:19 24 police case in the *Orr* case?

03:45:19 25 Q. If you have no recollection of it today --

03:45:24 1 A. No, like I said in my deposition, it's common for people
03:45:29 2 not to remember some things, again, go back to the memory
03:45:32 3 issues, but as far as the commonality of my saying it didn't
03:45:36 4 happen the way it unfolded, it's not uncommon either for
03:45:39 5 people not to remember things or to interject things that
03:45:43 6 maybe they heard, or if we have individuals have to have
03:45:47 7 transitions for statements that don't meet physical evidence
03:45:52 8 that is not uncommon in certain types of cases such as these,
03:45:58 9 where the only way you can politely say it is, that it
03:46:04 10 couldn't have unfolded in the way in which it was being
03:46:07 11 described, which leaves the opportunity we have to look at
03:46:10 12 what other ways there are.

03:46:11 13 Q. Mr. Root, my question simply was, do you recall the *Orr*
03:46:14 14 case?

03:46:14 15 A. No, your question wasn't just the *Orr* case. It was about
03:46:18 16 what I testified in the *Orr* case, and I don't recall that
03:46:20 17 particular case in and of itself.

03:46:22 18 Q. Do you recall giving an opinion in *Noble vs. Gasbarrini*
03:46:27 19 case that the description provided by Officer Gasbarrini
03:46:30 20 regarding the shooting of Mr. Noble, how it took place was not
03:46:34 21 possible. Do you recall that case?

03:46:36 22 A. Oh, I do. I recall that case greatly, ma'am.

03:46:39 23 Q. Also recall *Torres vs. Bonetti* where your opinion was
03:46:43 24 that the timeline of events that were provided by Deputy
03:46:45 25 Bonetti did not make sense considering the events that he

described.

Do you recall that case?

A. Yes, because in both cases I found the officers to be lying.

Q. And that's one of the opinions that you have here that Deputy Forsyth, the event couldn't have happened the way he described it, right?

A. I don't think I wrote an opinion that says that.

Q. Well, I just asked you the question, that one reason or a reason for --

A. I'm sorry.

THE COURT: Hold on, Mr. Root, let her finish the question.

MS. DURST: Thank you, Your Honor.

BY MS. DURST:

Q. I asked you that one of the reasons you testified that you believe supports your opinion that the shooting was objectively unreasonable, is because the event could not have happened the way Deputy Forsyth described it, true?

A. You said two things there. My opinion doesn't say that. Supporting information provided by the evidence in this case in the statements, is that essentially, even though it's not written in there, given the statements, the multiple statements, it couldn't have happened when you look at the statements and the events, so it couldn't have unfolded in the

03:47:59 1 manner in which he is describing.

03:48:01 2 Q. Are you calling Deputy Forsyth a liar like you just
03:48:04 3 called the police officers in those other two cases, the
03:48:08 4 *Bonetti* and the *Noble* case?

03:48:10 5 A. Well, to be very clear, it's your job, not mine, to
03:48:14 6 determine credibility of any witness, so I don't ever try to
03:48:17 7 invade the province of the jury as far as determining
03:48:19 8 credibility, but I do feel that since the other cases were
03:48:22 9 closed and not relevant here, you were asking me about them,
03:48:26 10 that I was able to share why that information was provided in
03:48:28 11 those particular matters, so that it gives a proper context in
03:48:31 12 which it was delivered.

03:48:33 13 Q. So you testified that you believed that those events in
03:48:40 14 the Florida case couldn't have occurred the way the officers
03:48:43 15 described, and you said because you found the officers were
03:48:46 16 lying. Isn't that what you just testified to here?

03:48:49 17 A. Yes. The evidence showed that.

03:48:51 18 Q. Okay. So then my question is, your testimony in this
03:48:54 19 case is that the events couldn't have occurred the way
03:49:00 20 Deputy Forsyth described and, therefore, you believe the
03:49:03 21 shooting was objectively unreasonable, fair?

03:49:07 22 A. No. It's the totality of everything. It's the fact that
03:49:10 23 statements provided by Deputy Love and Deputy Forsyth conflict
03:49:15 24 with one another, as well as conflict with the physical
03:49:19 25 evidence at the scene.

03:49:20 1 It's not just I'm saying, well, I don't believe him, it's
03:49:24 2 I'm taking the totality of all the physical evidence presented
03:49:30 3 in this case along with the statements and everything, and my
03:49:32 4 opinions are formed based on that, given the totality of
03:49:36 5 everything I had a chance to review, my opinion is that that
03:49:38 6 shooting was not objectively reasonable.

03:49:40 7 Q. Because based on the statements and the objective
03:49:44 8 evidence that you say that was at the scene, it couldn't have
03:49:48 9 happened the way he described, right?

03:49:50 10 A. Sure.

03:49:50 11 Q. Okay. So if that's the case, are you saying that
03:49:54 12 Deputy Forsyth is lying about what he described occurring in
03:49:58 13 that gas well site?

03:50:00 14 A. With all due respect, ma'am, and very respectfully, the
03:50:10 15 statements stand for themselves. I don't want to accuse him
03:50:14 16 of it. Do I feel it? I honestly feel backed into a corner
03:50:19 17 because I don't want to speak disparagingly against the
03:50:22 18 officer -- or I'm sorry, the deputy -- but if -- and I know I
03:50:26 19 have to answer your question, but given the facts, the
03:50:28 20 changing statements, the physical evidence and everything
03:50:31 21 else, there is no way that Jeep, in my opinion, was moving at
03:50:36 22 the time Deputy Forsyth shot him, so if those are the case
03:50:39 23 facts that I form my opinion on, then yes, I believe that he
03:50:44 24 is not telling the truth.

03:50:46 25 Q. He's lying?

03:50:47 1 A. If you want -- I'm not call him that -- I am going to
03:50:53 2 respect the man and not doing stuff like that to him, ma'am.

03:50:57 3 Q. Why will you not say that about Deputy Forsyth but you
03:51:01 4 said that about the other law enforcement officers in Florida
03:51:04 5 that you found that they were lying? Is there a reason?

03:51:06 6 A. Oh, sure. First and foremost they are not in the room to
03:51:09 7 be disrespected, and with them here, I would not do that.
03:51:13 8 Secondly, you keep bringing up information and you're taking
03:51:16 9 it out of context. You're not sharing the totality of the
03:51:19 10 case. You're just sharing the opinions and a segment of it,
03:51:22 11 and the shortest way to get people to understand that the
03:51:24 12 reason I say what I say is they were lying.

03:51:28 13 Video interviews shows in the *Noble* case, he showed three
03:51:33 14 different shooting positions and the trajectory of the round
03:51:36 15 the pathologist showed the shooting position couldn't have
03:51:38 16 happened that way, which means he wasn't telling the truth,
03:51:40 17 which also means the event could not have unfolded in the
03:51:43 18 manner in which he described.

03:51:44 19 That is a very politically correct and non-offensive way
03:51:48 20 of ensuring people understand it couldn't have happened this
03:51:52 21 way. And the jury can decide, but I just wasted another chunk
03:51:57 22 of the jury's time trying to explain something to explain to
03:52:00 23 you why I was willing to say it about them on closed cases,
03:52:03 24 but I did not want to say it to this man.

03:52:05 25 THE COURT: One second, Mr. Root, I understand and

1 appreciate your answer, but please refrain any further
2 editorial comments about the use of the jury's time.

3 Ms. Durst, you can ask your next question.

4 MS. DURST: Thank you, Your Honor.

5 BY MS. DURST:

6 Q. You've talked a little bit, Mr. Root, about -- or agreed
7 that everyone's perception of an event is different, right?

8 A. Yes.

9 Q. Okay. That you can have people, two different people
10 witness the same exact event and give statements about that
11 event that are different, true?

12 A. True.

13 Q. And a conflict in how a person describes an event that
14 occurred versus how another person may describe that event can
15 depend upon the person's position relative to what he or she
16 is witnessing, correct?

17 A. Yes.

18 Q. And if one person is standing in one location, and a
19 second person is standing in a different location, those
20 individuals could see different things and report different
21 things in their statement, true?

22 A. Yes.

23 Q. Okay. And in this case, we have Deputy Forsyth exiting
24 his cruiser on the driver's side, right?

25 A. Yes.

03:53:25 1 Q. And Deputy Forsyth would have exited on his cruiser on
03:53:30 2 the passenger side, true?

03:53:31 3 A. True.

03:53:31 4 Q. And so each of them would have had a different
03:53:33 5 perspective for what he was seeing as they were exiting the
03:53:38 6 cruiser, right?

03:53:39 7 A. Yes, and once outside the cruiser.

03:53:41 8 Q. And what an individual also recalls and provides in a
03:53:50 9 statement can depend upon the memory of each of those
03:53:55 10 individuals, correct?

03:53:57 11 A. Of course, yes.

03:53:57 12 Q. And following a high stress -- a stress-inducing event
03:54:03 13 like you've described as a shooting, a person's body, I think
03:54:07 14 you said, will undergo psychological or physiological
03:54:12 15 responses that could impact a person's memory, true?

03:54:14 16 A. Yes.

03:54:15 17 Q. It could actually impact a person's memory for a finite
03:54:20 18 period of time or forever?

03:54:21 19 A. That is correct.

03:54:22 20 Q. In fact, there are situations where it's not uncommon for
03:54:27 21 a person who has been in a stress-inducing event like a
03:54:32 22 shooting to not remember certain things occurring at all,
03:54:37 23 right?

03:54:37 24 A. Correct.

03:54:38 25 Q. So in this case, you have said that Corey Love didn't

1 describe seeing the three-point turn that Mr. Rhoades' Jeep
2 did, that Deputy Forsyth described, right?

3 A. That is correct.

4 Q. And that's one of the things that you say you found as a
5 conflict in their statements, true?

6 A. If they were both seated in the patrol car at the time it
7 was taking place, and they're both looking at the same suspect
8 vehicle because that's what they're looking for, one saw
9 something -- didn't see any movement, didn't see the vehicle
10 backing up or anything like that. If they're seated in the
11 same position in the car and looking in the same areas, one
12 would expect, especially the size of the motor vehicle in the
13 broad daylight that they would see vehicle movement.

14 Q. My question wasn't about seeing. We were just talking
15 about memory. And you've agreed that an individual that could
16 be in a stress-inducing situation, such as a shooting, it's
17 not uncommon for that person to forget some things ever
18 occurring at all, right?

19 A. That's correct. I must have misunderstood your question.

20 Q. So Deputy Love was in a stress-induced situation,
21 possible he forgot that the three-point turn occurred; isn't
22 that fair?

23 A. If that was the singular -- it is possible. And if it
24 was singular by itself, that would be fair.

25 Q. You were here for opening statements, I guess two days

ago now, right?

A. Yes.

Q. And you heard the statements of deputy -- let me rephrase this because I think I already covered this. I don't want to go down a road that we have already gone down.

We've already covered that.

Okay. So let's kind of dovetail into the conflicts that you believe exist in Deputy Forsyth's and Deputy Love's statements.

One part of what you have indicated is you believe that there is a conflict between Deputy Forsyth and Deputy Love -- or at least, I don't think you told the jury this, but you mentioned this in your report and in your deposition, is that you believe there's a conflict between who located the access road to the gas well site.

Do you remember that in your deposition?

A. It was in the report. I didn't testify to it here.

Q. I said, do you remember that from your deposition?

A. Yes. Yes.

Q. Okay. And for that conflict, you would actually refer to Deputy Forsyth's interview with Sergeant Branham; do you recall that?

A. Yes.

Q. Okay. Let me ask this: If the issue is was

Deputy Forsyth experiencing fear for his life as the Jeep was

03:57:39 1 coming at him, what makes a difference who located the access
03:57:44 2 road?

03:57:44 3 A. At that moment in time? Nothing.

03:57:46 4 Q. Okay. Do you have Deputy Forsyth's statement that he
03:57:56 5 gave to Sergeant Branham?

03:58:05 6 A. I believe I do.

03:58:06 7 Q. I can probably get a copy.

03:58:08 8 A. Faster?

03:58:25 9 Q. Probably.

03:58:36 10 MS. DURST: Your Honor, may I approach?

03:58:37 11 THE COURT: You may.

03:58:38 12 BY MS. DURST:

03:58:54 13 Q. Mr. Root, what I have handed you is a transcription of
03:58:58 14 the statement that Deputy Forsyth gave to Lieutenant Branham
03:59:03 15 on August 4 of 2017.

03:59:06 16 You've seen this document, right?

03:59:07 17 A. Yes.

03:59:08 18 Q. And part of what we were just talking about is you
03:59:11 19 believe that a conflict existed between what Deputy Forsyth
03:59:15 20 said about who located the access road and what Deputy Love
03:59:19 21 said about who located the access road, right, from their
03:59:24 22 statements?

03:59:24 23 A. Yes.

03:59:24 24 Q. Okay. And I think in recalling from your testimony, you
03:59:27 25 believe that Deputy Love said he located the access road,

03:59:30 1 right?

03:59:31 2 A. He pointed it out, yes.

03:59:32 3 Q. Can you show me anywhere in Deputy Forsyth's statement to
03:59:37 4 Lieutenant Branham where he says who actually located the
03:59:41 5 access road?

04:00:22 6 A. On page 2 he referenced it and I took that to be his
04:00:28 7 identifying the access road.

04:00:30 8 Q. What did he say on page 2?

04:00:32 9 A. He said, "I allowed them to get by and there was an
04:00:36 10 access road in that area where we lost sight of the vehicle."
04:00:40 11 Identifying -- he identified the access -- I took that to mean
04:00:42 12 he had identified the access road.

04:00:44 13 Q. But in his actual statement he never said he located the
04:00:48 14 access road versus Deputy Love located the access road; is
04:00:53 15 that fair?

04:00:53 16 A. That is fair.

04:00:54 17 Q. Okay.

04:00:54 18 MS. DURST: Your Honor, may I approach?

04:00:55 19 THE COURT: You may.

04:01:20 20 BY MS. DURST:

04:01:20 21 Q. Let me ask this, Mr. Root, if you assume that
04:01:26 22 Deputy Forsyth's description of how the event occurred is
04:01:30 23 correct, okay, the Jeep is driving at him, moving in an
04:01:34 24 aggressive manner, we would look at what Deputy Forsyth is
04:01:38 25 perceiving at the time the Jeep is moving at him, it wouldn't

04:01:43 1 matter who located the access road or not, right?

04:01:46 2 A. That is correct.

04:01:47 3 Q. Okay. Another, as I understand it from your testimony, a
04:01:54 4 conflict you believe exists between what Deputy Forsyth said
04:01:57 5 and Deputy Love said, is the, I guess what I'll call the
04:02:04 6 movement of the vehicle. And I believe what you told me in
04:02:08 7 your deposition in this case is the reason you believe there's
04:02:11 8 a conflict is because Deputy Love had not described the Jeep
04:02:15 9 as moving at any point in time before Deputy Forsyth actually
04:02:21 10 exited the cruiser; do you recall that?

04:02:24 11 A. Yes.

04:02:25 12 Q. Okay. You have the report up there?

04:02:29 13 A. Yes.

04:02:30 14 Q. Can you look at page 12 of your report, please?

04:02:48 15 A. I have it.

04:02:50 16 Q. I don't, so bear with me one minute. I think it's in the
04:03:10 17 third full paragraph, I believe. Give me a minute, I don't
04:03:19 18 want you in the wrong paragraph, I don't want to mislead you.

04:03:25 19 Yeah, it's the third full bullet-point paragraph. You
04:03:29 20 see it says, "Deputy Love described the Jeep's location"?

04:03:36 21 A. Yes.

04:03:37 22 Q. Okay. So that says, "Deputy Love described the Jeep's
04:03:41 23 location as being about 10 to 15 feet off to the left inside
04:03:45 24 and as soon as we pulled in, he started coming out."

04:03:49 25 So Deputy Love actually described movement of the Jeep

04:03:55 1 before Deputy Forsyth exited the cruiser, correct?

04:03:59 2 A. But not movement of the Jeep that was being described by
04:04:03 3 Deputy Forsyth. Deputy Forsyth said the vehicle came forward
04:04:07 4 and almost struck the patrol car. Deputy Love never said
04:04:11 5 that.

04:04:11 6 Q. Well, let me go back and ask you the question again, and
04:04:13 7 part of the reason you believe that there is a conflict
04:04:16 8 between Deputy Forsyth and Deputy Love's statements is because
04:04:20 9 you claim Deputy Love had not described the Jeep as moving at
04:04:24 10 any point in time before Deputy Forsyth exited the vehicle.

04:04:32 11 And you would agree with me that that is not correct if
04:04:36 12 Deputy Love described the Jeep as moving as soon as they
04:04:40 13 entered the -- "as soon as we pulled in he started coming
04:04:46 14 out," right?

04:04:48 15 A. That is what's here, and if I may, it says that that was
04:04:52 16 from the interview transcript. So I wanted to make sure that
04:04:58 17 I'm looking at the same document.

04:05:00 18 Q. Fair enough. We read that directly from the report you
04:05:03 19 prepared in the case, right?

04:05:04 20 A. Right.

04:05:19 21 Q. Okay.

04:05:19 22 A. That is in the report, yes, ma'am.

04:05:20 23 Q. Okay. So based on what you just determined that is in
04:05:27 24 your report that you noted that Deputy Love specifically
04:05:30 25 described the Jeep, "As soon as we pulled in, he started

04:05:35 1 coming out," right?

04:05:36 2 A. That's what he said.

04:05:38 3 Q. Which would have been before Deputy Forsyth actually
04:05:41 4 exited the cruiser based on his testimony, right?

04:05:44 5 A. Well, depends on the statement. If you look at the
04:05:47 6 original statement, he got out immediately. If you look at
04:05:50 7 his testimony and following statements, there was a delay
04:05:54 8 developed and then there was a transition developed, so it
04:05:57 9 really depends on which statement we're going to apply it to.

04:06:00 10 I was going with the statement after they had the time to
04:06:03 11 collect themselves and present their information to them in
04:06:06 12 this report, I articulated that, and these are the things
04:06:09 13 relating to what they had said, and then my overall opinions
04:06:14 14 were based off of everything. So I probably just muddled all
04:06:17 15 that up.

04:06:18 16 Q. Well, let me ask you --

04:06:19 17 A. Sure.

04:06:20 18 Q. -- going back to what we just said about Deputy Love's
04:06:23 19 statement, "About 10 to 15 feet off the left side," and, "As
04:06:26 20 soon as we pulled in, he started coming out."

04:06:28 21 We've agreed that is in your report?

04:06:30 22 A. Yes, ma'am.

04:06:30 23 Q. Okay. You testified on direct examination by Mr. Umina
04:06:34 24 that the statements say he was parked and stopped to the left?

04:06:39 25 A. Deputy Forsyth's.

04:06:41 1 Q. Where does Deputy Love indicate that he said he was
04:06:48 2 stopped?

04:06:48 3 You said in your deposition in this case that Deputy Love
04:06:52 4 said that the Jeep was stopped. So can you show me anywhere
04:06:56 5 in Deputy Love's statement he indicated the Jeep was stopped?

04:06:59 6 A. Will you share with me the page of the deposition so I
04:07:04 7 could reference it in context to make sure that I'm -- when I
04:07:06 8 was questioned by Mr. Umina, my testimony earlier was about
04:07:10 9 what Deputy Forsyth had indicated and we're now talking about
04:07:14 10 Deputy Love and I want to make sure that -- in the deposition
04:07:17 11 you said that I --

04:07:17 12 Q. I was referring to your trial testimony here. You said,
04:07:21 13 quote, "The statements say he was parked and to the left and
04:07:24 14 was stopped." That's what I wrote down what you said.

04:07:27 15 So my question is: What statements, plural, said that
04:07:33 16 the Jeep was stopped when they entered the clearing?

04:07:36 17 A. Deputy Forsyth provided multiple statements and he said
04:07:39 18 parked, and then he changed it to something else. So there
04:07:42 19 were statements that indicated -- there were more than one.
04:07:46 20 It's not just one statement.

04:07:50 21 Q. So your testimony is that Deputy Forsyth described it as
04:07:54 22 being stopped, not Deputy Love; is that right?

04:07:57 23 A. No. He also describes it as being stopped.

04:08:00 24 Q. Where does Deputy Love in his statement to Sergeant
04:08:04 25 Branham say that the Jeep was stopped? That's my question.

04:08:07 1 The statement to Sergeant Branham.

04:08:10 2 A. That's where I am getting confused, is in my report I did
04:08:18 3 write that he told Sergeant Branham he was stopped in his
04:08:22 4 interview. I'm sorry. I'm having a disconnect with what --

04:08:26 5 Q. Well, we are. What I'm basing this on is your testimony
04:08:30 6 here on direct examination when you were talking about the
04:08:32 7 process of the fleeing, you said, "The statements say that he
04:08:36 8 was parked and stopped to the left."

04:08:39 9 A. What was the question that that was a response to?

04:08:43 10 Q. The question was with regard to your description of the
04:08:45 11 vehicle not being pursued, it lost sight, and you said: "The
04:08:49 12 statement said that it was stopped. They were actively
04:08:53 13 looking for it, but the Jeep was stopped, based on the
04:08:56 14 statement."

04:08:56 15 I'm just trying to figure out whose statement says it was
04:08:59 16 stopped. Do you know?

04:09:01 17 A. Ma'am, I shared with you the information -- I wish I
04:09:06 18 could go back and recall exactly everything around what you've
04:09:10 19 picked out as far as a question. Give me a generalized
04:09:13 20 question, they were actively searching, you can combine the
04:09:18 21 pursuit and that -- I'm just trying to make sure that I'm not
04:09:22 22 misinforming anybody. You started with the report saying I --
04:09:26 23 I'm just trying to figure out where we are. I'm sorry.

04:09:29 24 Q. My question at that point is not about the report. My
04:09:32 25 question was about your testimony here on direct examination

04:09:37 1 when you said: "The statements say the Jeep was parked and
04:09:44 2 stopped to the left."

04:09:46 3 What statement, is what I'm asking you. What statement?

04:09:49 4 A. There are statements from Deputy Forsyth, I know that
04:09:52 5 there are statements from Deputy Love also, a variety of
04:09:56 6 statements. And they indicated the vehicle was off to the
04:09:59 7 left and -- now I'm combining the statements. I'm
04:10:03 8 generalizing the statement. If you would like me to go into
04:10:06 9 each individual statement, but the statements were, the
04:10:08 10 vehicle was off to the left and it was stopped.

04:10:12 11 The word used by Deputy Forsyth was originally parked,
04:10:15 12 and adjacent to, and then there was, I believe, he said that
04:10:19 13 in his deposition as well.

04:10:21 14 Q. And maybe you and I are having a disconnect with the use
04:10:25 15 of the term "statement" when you testified on direct. Are you
04:10:28 16 using the term "statement" and "deposition" interchangeably or
04:10:32 17 are you talking about the statements that they gave to
04:10:36 18 Sergeant Branham? It's your testimony I'm asking --

04:10:39 19 A. I understand. And I guess, because I can't recall the
04:10:44 20 exact question, statements, it could have been, maybe it was
04:10:48 21 off the depositions, so I apologize if I used an improper way
04:10:54 22 of referring to it.

04:10:55 23 Q. Let me ask you this: We don't have your drawing up on
04:10:59 24 the whiteboard anymore, but you were talking about the bowl
04:11:01 25 and you were showing where the gas well tank and everything

04:11:09 1 was, and you said to the right, kind of -- or to the left of
04:11:12 2 the bowl there was a steep embankment, and you said, "You know
04:11:15 3 he wasn't going to go take that Jeep up that embankment."

04:11:18 4 How do you know that Rhoades wouldn't have taken that
04:11:21 5 Jeep up that embankment?

04:11:22 6 A. I don't think that's the exact words I used, but the
04:11:25 7 embankment is extraordinary steep, and had he tried to go up
04:11:29 8 that way, there would have been -- you wouldn't even had to
04:11:32 9 ask if there was ground disturbance, he would have been in
04:11:36 10 four-wheel drive and climbing. I was using it as an example
04:11:39 11 that there is an obstruction that way, and then there is a
04:11:41 12 drop off on the other side that contains the bowl.

04:11:44 13 Q. Well, and I understand that. But you were providing a
04:11:46 14 description with your drawing that the access road was really
04:11:50 15 the only exit point for Mr. Rhoades because of the area around
04:11:55 16 the bowl, right?

04:11:55 17 A. That is correct.

04:11:56 18 Q. And what you said was, that's the only access point -- or
04:12:01 19 the access point is the only way to exit because you got the
04:12:04 20 gas pipe materials behind, you have the steep embankment to
04:12:09 21 the left, and I forget how you described the area to the
04:12:12 22 right.

04:12:13 23 But my question is: This was a Jeep, how do you know
04:12:17 24 that Mr. Rhoades would not take that Jeep up over the
04:12:22 25 embankment? You can't say that, can you?

04:12:24 1 A. Well, given the amount of brush, trees, and overgrowth in
04:12:28 2 that area, whether he is in the Jeep or not, and the steep
04:12:31 3 incline that I witnessed when I did my scene examination, it
04:12:33 4 would -- I cannot say definitely whether or not a Jeep could
04:12:37 5 climb, but it would be relatively -- I can't say definitely.
04:12:42 6 I will leave it there.

04:12:43 7 Q. You would agree with me, would you not, Mr. Root, you
04:12:49 8 talked about the conflict that you perceived with
04:12:51 9 Deputy Forsyth and Deputy Love's statements. The simple fact
04:12:54 10 that conflicts in statement exists in and of themselves
04:12:58 11 doesn't mean that the use of force was not objectively
04:13:01 12 reasonable, does it?

04:13:02 13 A. Not necessarily, no.

04:13:07 14 Q. You talked about the *Graham vs. Connor* case, and you said
04:13:24 15 that you would agree with me, I guess in light of *Connor* that
04:13:31 16 Deputy Forsyth's use of force on August 2nd has to be judged
04:13:34 17 from the perspective of a reasonable police officer on the
04:13:39 18 scene facing those same or similar circumstances that he was
04:13:42 19 facing and not with some 20/20 hindsight or Monday morning
04:13:47 20 quarter backing, right?

04:13:48 21 A. That is correct.

04:13:53 22 MS. DURST: Your Honor, may I have a moment?

04:13:55 23 THE COURT: You may.

04:14:10 24 MS. DURST: Your Honor, at this point I don't believe
04:14:12 25 I have any further questions for Mr. Root.

04:14:15 1 THE COURT: All right. Thank you very much, Ms.
04:14:18 2 Durst.

04:14:19 3 Mr. Umina.

04:14:24 4 MS. DURST: Your Honor, may I obtain my transcript
04:14:27 5 back?

04:14:28 6 THE COURT: You may we will give you a moment to --
04:14:31 7 Mr. Umina for planning purposes, how long do you anticipate
04:14:35 8 your redirect being of our witness?

04:14:39 9 MR. UMINA: I can't imagine more than 20 to
04:14:44 10 30 minutes, if that.

04:14:45 11 THE COURT: Okay. Understood. You may proceed, sir.

04:14:51 12 REDIRECT EXAMINATION

04:14:51 13 BY MR. UMINA:

04:15:08 14 Q. Mr. Root, we talked a lot about witness statements and
04:15:13 15 the conflicts between them. Do you recall in Mr. Forsyth --
04:15:21 16 the defendant's testimony where he stated that he saw a black
04:15:26 17 Jeep, and I quote, "Parked adjacent to where I was entering
04:15:31 18 that clearing?"

04:15:31 19 A. Yes.

04:15:32 20 Q. And do you recall him also saying that it was pulled in
04:15:38 21 directly to the left of the entrance to the gas well site when
04:15:40 22 he entered the clearing?

04:15:41 23 A. Yes.

04:15:42 24 Q. And then in the same recorded statement he gave a second
04:15:49 25 version when he first said that it was pulled in and then he

1 went on to give this version about it pulling out almost
2 hitting him and attempting to do a three-point turn?

3 A. Yes.

4 Q. So you recall the defendant giving two separate versions
5 of what happened when he pulled into the gas well site in the
6 same statement?

7 A. Yes.

8 Q. Do you recall him giving two statements in his deposition
9 testimony where he said that he witnessed the black Jeep
10 parked and then he goes on to say the Jeep actually drove
11 towards my vehicle almost striking it?

12 A. Yes.

13 Q. Do you recall in Corey Love's statement, he stated, "As
14 we came into the opening off to the left in the bushes I saw a
15 black Jeep."

16 A. Yes.

17 Q. And do you remember Corey Love's deposition testimony
18 where the defendant told him that it would be a good idea for
19 him to have his written statement and then made Corey Love
20 exchange statements with him?

21 A. Yes.

22 Q. And ensured that he had his version of events?

23 A. Yes.

24 Q. And then after he received those instructions from the
25 defendant, in his deposition it was at that point that he said

04:17:24 1 that the vehicle was moving as they entered the gas well site?

04:17:28 2 A. Yes.

04:17:29 3 Q. But prior to receiving the defendant's written statement,
04:17:33 4 on August 4th, he didn't say anything about the vehicle
04:17:37 5 moving. He said, "As we came into the opening, off to the
04:17:41 6 left in the bushes, I saw a black Jeep." Do you recall that?

04:17:42 7 A. I do.

04:17:43 8 Q. And was that the basis that you based your opinion of
04:17:51 9 conflicting statements on?

04:17:53 10 A. Yes.

04:17:54 11 Q. Now, one of the things that Ms. Durst just spent a lot of
04:18:05 12 time, a lot of time discussing with you are people's
04:18:10 13 subjective beliefs about fear and other things. Do you recall
04:18:14 14 that?

04:18:14 15 A. Yes.

04:18:15 16 Q. Do you recall her actually getting into subject matters
04:18:21 17 that don't even involve police officers and their fears?

04:18:26 18 A. Yes.

04:18:27 19 Q. When the question that the jury is asked to answer here
04:18:36 20 is what an objectively reasonable officer would do, that's
04:18:41 21 what you testified to earlier, wasn't it?

04:18:43 22 A. Yes.

04:18:44 23 Q. Okay. So what does subjective thoughts on the standard
04:18:52 24 objectively reasonable officer have to do with anything?

04:18:55 25 A. Well, the only element is fear is subjective to the

individual which is why *Graham v. Connor* puts responsibility on officers to be able to explain what gave rise to their fear because it is subjective. It's each individuals' interpretation of an event. And like Ms. Durst pointed out, what may make me afraid, may not make you afraid so that that's the element -- there is a subjective element in it because we are human beings, and that's why the decision was we have the responsibility of explaining it as to why we were in fear.

Q. And we can all agree, though, if the Jeep wasn't in gear and the Jeep wasn't aggressively accelerating towards the defendant, no matter what -- no matter what else is brought up, this shooting was objectively unreasonable, wasn't it?

A. That is correct.

Q. Okay. Other than the drawing provided by the investigator Mr. Straley who he himself is a former state trooper, but other than that, do you know if a single piece of evidence in this case came from anywhere other than law enforcement officers?

A. No.

Q. So we're talking about a police shooting here and every single piece of evidence that you recall -- I mean, I want you to tell me, did one thing come from anywhere other than the police in a police shooting?

A. Excluding the investigator's information, no. It was all

from the source.

Q. Just one moment, Mr. Root, we may actually be done right now. If any of the other cases that were brought up you believed that the officer was telling the truth and wasn't lying, would you have given a different opinion?

A. Absolutely. My opinions are based on case facts, end of story, end of day. And I always give the benefit of the doubt to the law enforcement officer because of the types of events they find themselves in.

Q. And similarly in all of those cases, did pretty much all of the evidence come from the police?

A. That, I couldn't honestly answer without looking at the cases. I do know in the *Noble* shooting he was actually interviewed from the police department that showed the discrepancies. He was giving a statement in the police department interview room and it had a recording on it.

Q. I mean, if the police give you all of the evidence of a police shooting, is there any way other than to prove that they were wrong than prove that they were lying or show that they were lying?

Is there another way to do that if they are giving you all of the evidence?

A. Well, law enforcement is entrusted with conducting the investigations and that's why, you know, that's your source of information, especially in events that are isolated. It's not

1 like it happened in a mall or a grocery store where there's a
2 bunch of people around. It happened in a rural isolated area.
3 So the only witnesses -- unfortunately, you know, if
4 Mr. Rhoades survived, there would be another witness, but
5 since he didn't, the only witnesses are the officers that were
6 actually present at the time.

7 Q. Thank you, Mr. Root.

8 MR. UMINA: No further questions, Your Honor.

9 THE COURT: Thank you, Mr. Umina.

10 Ms. Durst, any recross, ma'am?

11 MS. DURST: Yeah, just one brief inquiry. Thank you,
12 Your Honor.

13 RECROSS-EXAMINATION

14 BY MS. DURST:

15 Q. Mr. Root, Mr. Umina just asked you about the statements
16 that Deputy Forsyth and Deputy Love gave and asked if you
17 remembered Deputy Love testifying in his deposition that
18 Deputy Forsyth told him it would be a good idea to exchange
19 those statements before he gave his statement to state police;
20 do you remember that?

21 A. Yes.

22 Q. That's not true, is it? Deputy Forsyth --

23 MR. UMINA: I object, Your Honor. That's not what I
24 stated. Counsel is mischaracterizing evidence.

25 THE COURT: Well, the questions aren't evidence.

04:23:29 1 Overruled.

04:23:29 2 Ask your question again, Ms. Durst.

04:23:31 3 BY MS. DURST:

04:23:32 4 Q. My understanding -- let me rephrase. My understanding of
04:23:34 5 what Mr. Umina asked, was Deputy Love testified in his
04:23:39 6 deposition that Deputy Forsyth told him it would be a good
04:23:45 7 idea to exchange their statements and they did it before they
04:23:47 8 gave their statements to Sergeant Branham. That didn't
04:23:49 9 happen, did it?

04:23:49 10 A. Before their statements to Branham?

04:23:51 11 Q. Yes.

04:23:51 12 A. No, not before the statement to Branham.

04:23:53 13 Q. So when Deputy Love gave his statement, he didn't have
04:23:56 14 Deputy Forsyth's statement and the vice-versa, right?

04:23:59 15 A. No.

04:24:00 16 Q. No, I'm not right?

04:24:02 17 A. No, I'm saying that didn't happen before that.

04:24:06 18 MS. DURST: All right. That's the only thing I
04:24:07 19 wanted to clarify, Your Honor.

04:24:08 20 THE COURT: All right. Any re-redirect?

04:24:11 21 MR. UMINA: Your Honor, if I may just address what
04:24:12 22 was just said.

04:24:14 23 THE COURT: Certainly.

04:24:15 24 FURTHER REDIRECT EXAMINATION

04:24:15 25 BY MR. UMINA:

Q. Mr. Root, the question that I asked you was, "Do you recall him exchanging statements prior to Love giving his deposition testimony."

A. That's the way I remembered it and that was the question, and that is affirmative.

Q. So I didn't ask you, "Did they exchange written statements prior to talking to Branham?"

A. You did not.

Q. What I asked you was, prior to talking to Branham, Love makes no mention of the Jeep moving. He says, "As we came into the opening, off to the left in the bushes, I saw a black Jeep." That's what he said to Branham.

And then after giving that statement he was asked by the defendant to exchange statements, which they did, and it was not only until that time when his deposition was taken after giving that statement that omitted any movement, and after being directed by the defendant to exchange statements, did he then claim there was movement during his deposition.

That was my question, wasn't it, Mr. Root?

A. That was.

MR. UMINA: Thank you.

THE COURT: Ms. Durst, anything further.

MS. DURST: Yes, Your Honor.

FURTHER RECROSS-EXAMINATION

BY MS. DURST:

04:25:40 1 Q. Mr. Root, you still have your report up there?

04:25:42 2 A. I do.

04:25:43 3 Q. And you have Deputy Love's interview transcript up there?

04:25:47 4 A. I have to look. I'm sure I do.

04:25:53 5 Q. That I can't find quickly for you.

04:25:56 6 A. No, that's okay. Did you want me to look at the

04:26:27 7 transcript from the interview?

04:26:32 8 Q. Yes, sir.

04:26:34 9 A. Okay. I found the statement, so the transcript would be

04:26:50 10 right in front of it, should be. Yes, ma'am.

04:26:50 11 Q. Do you have it?

04:26:51 12 A. Yes. I was trying to differentiate between the look of a

04:26:55 13 deposition and the look of a transcribed statement.

04:26:57 14 Q. You have the transcript of Deputy Love's statement from

04:27:01 15 August 4, 2017?

04:27:02 16 A. Yes.

04:27:02 17 Q. Okay. And Mr. Umina just asked you that Deputy Love did

04:27:07 18 not describe initially in that statement any movement of the

04:27:11 19 Jeep, it was after he got Deputy Forsyth's statement that he

04:27:18 20 then described the movement of the Jeep in his deposition. Do

04:27:22 21 you recall that question?

04:27:22 22 A. Yeah, I thought he qualified it with the almost striking

04:27:26 23 the vehicle.

04:27:26 24 Q. Well, do you have page 4 of Deputy Love's statement

04:27:30 25 there?

04:27:31 1 A. I do.

04:27:32 2 Q. And I'm just looking at your report without having the

04:27:38 3 transcript in front of me. Your report refers to Deputy

04:27:41 4 Love's transcript at page 4. "Deputy Love described the

04:27:44 5 Jeep's location" and it's even in quotes, "About ten to 15

04:27:47 6 feet off to the left side, and as soon as we pulled in, he

04:27:51 7 started coming out." Is that what's on page 4?

04:27:54 8 A. Correct. That's what we discussed earlier.

04:27:56 9 Q. Okay. So this statement was before he had

04:28:00 10 Deputy Forsyth's statement, right?

04:28:01 11 A. This statement, yes, ma'am.

04:28:02 12 Q. Okay. And so in this statement, Deputy Love actually

04:28:06 13 described movement of the Jeep before he ever had

04:28:10 14 Deputy Forsyth's written statement, right?

04:28:13 15 A. Yes, ma'am.

04:28:14 16 Q. Okay. Because he said, "As soon as we pulled in, he

04:28:17 17 started coming out."

04:28:18 18 A. Yes, ma'am.

04:28:19 19 MS. DURST: Okay. All the questions I have, Your

04:28:22 20 Honor. Thank you.

04:28:23 21 THE COURT: Mr. Umina?

04:28:24 22 MR. UMINA: Nothing further, Your Honor.

04:28:26 23 THE COURT: Mr. Root, step down.

04:28:28 24 THE WITNESS: Yes.

04:28:29 25 THE COURT: Sir, thank you very much, you may step

04:28:32 1 down. Thank you, sir.

04:29:09 2 Ladies and gentlemen of the jury, it strikes me that we
04:29:11 3 are at a good spot to stop for the day, so we are going to do
04:29:14 4 that. We'll excuse you at this point.

04:29:18 5 Again, my instructions remain the same as they have been.
04:29:21 6 Please continue to refrain from discussing this case with
04:29:25 7 anyone, this includes any of your fellow jurors, or small
04:29:27 8 groups of your fellow jurors. You have my permission, as
04:29:29 9 usual, to blame me when you get home, and your family members
04:29:32 10 or whomever may ask you what you've been doing all day, you
04:29:36 11 can't talk about it yet. Please also continue to refrain from
04:29:41 12 any independent investigation efforts, not only about this
04:29:42 13 case but any of the issues that may have been discussed in
04:29:46 14 connection with that case.

04:29:47 15 We thank you for your time and patience today. We'll see
04:29:52 16 you back here tomorrow morning at 9:00. Thank you very much.
04:29:52 17 Have a pleasant evening.

12:45:18 18 (The jury exited the courtroom at 4:29 p.m. and the
12:46:13 19 following transpired in open court.)

04:30:16 20 THE COURT: Let's have a brief planning conversation.
04:30:18 21 Mr. Umina, do you anticipate any additional witnesses, sir?

04:30:21 22 MR. UMINA: No, we do not, Your Honor.

04:30:22 23 THE COURT: All right then. Not knowing the answer
04:30:30 24 to that question and remembering I'm not supposed to ask
04:30:35 25 questions I don't know the answer to in the courtroom in front

1 of the jury, do you feel compelled or need to rest in the
2 presence of the jury?

3 MR. UMINA: No, Your Honor, I don't believe that we
4 do.

5 THE COURT: Okay. So we will take up any motions
6 first thing tomorrow morning. I'll ask counsel to be here at
7 9:00 so that we can discuss whatever motions may be
8 forthcoming. And then we'll advise the jurors the plaintiff
9 has rested and anything else we need to based on those
10 motions.

11 Ms. Durst, let me ask you, who do you anticipate calling,
12 one overall and two tomorrow.

13 MS. DURST: Your Honor, the only witness, since we
14 have called Deputy Forsyth, questioned him in the plaintiff's
15 case, would be Mr. Faulkner, because everybody else we've --
16 Deputy Love was questioned as part of that, so the only
17 witness we would have would be Mr. Faulkner.

18 There was one issue, Your Honor, I wanted to bring to the
19 Court's attention. Deputy Forsyth is scheduled for his COVID
20 vaccine tomorrow at 10:00, obviously, you know, he wouldn't be
21 here for that at the start of Mr. Faulkner's testimony. I
22 wouldn't want the jury to take any -- have any negative
23 perception if he's not here. So I obviously don't want him to
24 miss his vaccine, so I don't know if we could just advise the
25 jury that that's why he's not here at the start of the trial

1 since he's getting his vaccine and just come in.

2 THE COURT: Yeah, that's fine. Mr. Forsyth, assuming
3 you don't have a problem with me disclosing your personal
4 health information to the jury, I most certainly will tell
5 them why you're not present at the start tomorrow.

6 DEPUTY FORSYTH: No, Your Honor, that's fine.

7 THE COURT: Thank you. I will certainly do that and
8 convey that to the jury. I certainly wouldn't expect you to
9 miss that appointment. I'm sure the jury wouldn't either.
10 I'll address that with them first thing when we're here
11 tomorrow. Okay. Thank you for that heads up. We'll deal
12 with that in the morning.

13 One thing I wanted to mention before we officially
14 consider the plaintiff rested, I think we just may have missed
15 it, it was Defendant's Exhibit Number 1, the collection of 30
16 photographs. I don't believe there was an objection to those,
17 but for our official record, I want to make sure there wasn't
18 so we could have those admitted; is that correct, Mr. Umina?

19 MR. UMINA: Yes, Your Honor. There's no objection.

20 THE COURT: All right. They are hereby deemed
21 admitted and are so considered as part of plaintiff's case in
22 chief, but were introduced and admitted without objection
23 during the plaintiff's case in chief. So if counsel can be
24 here at 9:00 tomorrow, we'll take up any motions, then we'll
25 have the jury come in. I'll advise them first that Mr.

04:33:20 1 Forsyth can't be here because of a vaccine appointment, and
04:33:23 2 that the plaintiff has rested, and then we'll proceed with Mr.
04:33:28 3 Faulkner's testimony.

04:33:30 4 We are, just for counsel's planning purposes, we are
04:33:33 5 about finished with our proposed jury charge. Counsel will
04:33:38 6 receive that first thing in the morning. And we'll have our
04:33:42 7 jury charge whenever we are finished with Mr. Faulkner's
04:33:47 8 testimony, obviously. We'll see how long that ultimately
04:33:49 9 takes and we'll probably have conversation outside the
04:33:52 10 presence of the jury with respect to planning our day moving
04:33:55 11 forward tomorrow.

04:33:58 12 The charge itself is not very long. I won't ask again
04:34:01 13 how long folks want to close, but we'll see where we are
04:34:07 14 tomorrow, and how long we have left in the day once we are
04:34:11 15 finished with the evidence.

04:34:13 16 MR. UMINA: Your Honor, can we address the verdict
04:34:15 17 form?

04:34:15 18 THE COURT: Yes, we'll do that in the charge
04:34:16 19 conference, yes, sir.

04:34:18 20 Okay. Anything else we need to take up at this point,
04:34:21 21 Mr. Umina?

04:34:21 22 MR. UMINA: No.

04:34:24 23 THE COURT: All right. Ms. Durst?

04:34:24 24 MS. DURST: The only thing I would note, Your Honor,
04:34:26 25 I think we still need to get the flash drive of the radio

04:34:30 1 traffic to the court clerk. And Mr. Carroll has the flash
04:34:34 2 drive. We will get that downloaded and get it to the Court
04:34:35 3 tomorrow so it can be admitted.

04:34:37 4 THE COURT: That's fine, yes. That would be great.
04:34:39 5 We already dealt with that, just the actual -- that's
04:34:44 6 Defendant's 2, correct?

04:34:46 7 MS. DURST: Yes, it was admitted, I guess I didn't
04:34:48 8 use the correct term, provided to the clerk so it can be made
04:34:50 9 part of the record.

04:34:51 10 THE COURT: I realize that I admitted a nonexistent
04:34:55 11 exhibit this morning, but we'll cure that error tomorrow
04:34:59 12 morning.

04:35:00 13 If nothing further, have a pleasant evening. We'll see
04:35:03 14 everyone in the morning.

15 (Proceedings adjourned at 4:35 p.m.)

16 C E R T I F I C A T E

17 I, Jill M. Cutter, Registered Professional Reporter and
18 Official Reporter for the United States District Court for the
19 Northern District of West Virginia, so hereby certify that the
20 foregoing is a correct transcript to the best of my ability of
21 the taped proceedings in the above-styled action on April 8,
22 2021, as reported by me in stenotypy.

23 I certify that the transcript fees and format comply with
24 those prescribed by the Court and Judicial conference of the
25 United States.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Given under by hand this day, April 26, 2021.

/s/ Jill M. Cutter, RPR

Official Reporter, United States
US District Court for the Northern
US District of West Virginia

\$	1st [1] - 540:17	21st [1] - 421:12 22s [1] - 409:1 24 [1] - 493:25 2414 [1] - 400:23 25 [8] - 443:21, 486:11, 486:18, 486:24, 513:24, 522:15, 522:18, 565:3 26 [2] - 527:14, 605:5 26501 [1] - 400:16 26508 [2] - 400:19, 400:23 26th [1] - 421:13 27 [5] - 444:10, 519:2, 524:8, 526:5, 527:19 280 [3] - 516:2, 516:11, 517:13 28th [1] - 421:13 29 [3] - 434:5, 463:16, 485:8 2:00 [1] - 480:7 2:43:08 [2] - 480:6, 480:12 2:52 [1] - 537:16 2:53:04 [2] - 480:16, 481:10 2:53:20 [2] - 481:1, 481:11 2nd [3] - 425:2, 425:9, 589:17	46 [6] - 453:7, 453:8, 465:15, 497:21 48 [1] - 493:25 4:29 [1] - 600:21 4:35 [1] - 604:18 4th [1] - 592:5	479:19, 479:22, 481:20, 481:21, 490:23, 491:6, 510:8, 512:3, 512:5, 517:5, 517:15, 518:24, 520:5, 529:23, 540:23, 541:19, 550:7, 561:25, 566:6, 566:9, 573:11, 593:3 above-styled [2] - 400:12, 604:24 absent [1] - 489:1 absolutely [19] - 420:15, 423:14, 439:18, 464:6, 475:20, 475:25, 487:19, 504:5, 513:15, 515:5, 515:25, 528:5, 530:25, 548:11, 552:4, 565:11, 565:24, 566:6, 594:7 academy [4] - 512:17, 523:18, 523:19, 559:17 Academy [3] - 523:16, 523:21, 523:23 accelerate [1] - 473:3 accelerated [1] - 487:2 accelerating [1] - 593:12 acceleration [7] - 457:3, 457:4, 457:9, 471:11, 471:14, 471:18, 472:16 acceptable [2] - 438:21, 563:12 accepted [1] - 502:1 access [36] - 453:2, 458:19, 463:6, 463:7, 465:13, 467:10, 467:18, 467:19, 467:20, 468:22, 471:1, 480:17, 482:3, 486:3, 503:17, 505:1, 505:9, 518:5, 536:5, 536:7, 579:15, 580:2, 580:21, 580:22, 581:1, 581:6, 581:8, 581:11, 581:12, 581:13, 581:15, 582:2, 588:15, 588:19, 588:20 accident [5] - 460:25, 523:2, 523:4, 523:6, 546:5
\$250 [1] - 441:13 \$5,000 [1] - 441:12	2	21st [1] - 421:12 22s [1] - 409:1 24 [1] - 493:25 2414 [1] - 400:23 25 [8] - 443:21, 486:11, 486:18, 486:24, 513:24, 522:15, 522:18, 565:3 26 [2] - 527:14, 605:5 26501 [1] - 400:16 26508 [2] - 400:19, 400:23 26th [1] - 421:13 27 [5] - 444:10, 519:2, 524:8, 526:5, 527:19 280 [3] - 516:2, 516:11, 517:13 28th [1] - 421:13 29 [3] - 434:5, 463:16, 485:8 2:00 [1] - 480:7 2:43:08 [2] - 480:6, 480:12 2:52 [1] - 537:16 2:53:04 [2] - 480:16, 481:10 2:53:20 [2] - 481:1, 481:11 2nd [3] - 425:2, 425:9, 589:17	5	
/	2 [3] - 581:7, 581:9, 604:9 20 [7] - 413:21, 434:5, 485:16, 486:3, 538:9, 538:11, 590:10 20/20 [3] - 490:5, 490:10, 589:20 200 [2] - 400:19, 463:13 2000 [1] - 540:14 2003 [1] - 526:23 2004 [2] - 527:14, 527:20 2005 [2] - 415:21, 415:22 2010 [2] - 413:20, 415:20 2011 [2] - 415:20, 459:25 2013 [13] - 416:4, 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 432:14, 435:13, 540:17, 540:18, 541:17, 541:21 2014 [10] - 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 428:22, 432:14, 435:13, 565:2 2015 [1] - 428:22 2017 [10] - 425:2, 425:9, 427:14, 428:2, 428:18, 428:25, 432:14, 460:1, 580:16, 598:18 2019 [6] - 435:24, 515:21, 516:10, 518:9, 540:19, 570:18 2021 [3] - 400:12, 604:25, 605:5 20th [1] - 421:12 21 [1] - 565:3 212 [12] - 459:14, 459:21, 463:7, 463:8, 463:11, 481:25, 482:6, 485:2, 485:8, 518:6, 522:23 213 [2] - 459:15, 465:3 213-foot [1] - 485:2	6		
/s [1] - 605:7	2000 [1] - 540:14 2003 [1] - 526:23 2004 [2] - 527:14, 527:20 2005 [2] - 415:21, 415:22 2010 [2] - 413:20, 415:20 2011 [2] - 415:20, 459:25 2013 [13] - 416:4, 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 432:14, 435:13, 540:17, 540:18, 541:17, 541:21 2014 [10] - 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 428:22, 432:14, 435:13, 565:2 2015 [1] - 428:22 2017 [10] - 425:2, 425:9, 427:14, 428:2, 428:18, 428:25, 432:14, 460:1, 580:16, 598:18 2019 [6] - 435:24, 515:21, 516:10, 518:9, 540:19, 570:18 2021 [3] - 400:12, 604:25, 605:5 20th [1] - 421:12 21 [1] - 565:3 212 [12] - 459:14, 459:21, 463:7, 463:8, 463:11, 481:25, 482:6, 485:2, 485:8, 518:6, 522:23 213 [2] - 459:15, 465:3 213-foot [1] - 485:2	7		
1	1 [1] - 602:18 10 [11] - 435:23, 468:23, 468:24, 471:6, 473:12, 473:13, 473:19, 504:11, 513:23, 582:24, 584:20 10/8 [1] - 526:23 10:00 [1] - 601:23 10:46 [1] - 439:22 11 [4] - 433:7, 435:3, 438:24, 439:13 11:05 [1] - 439:22 12 [2] - 477:2, 582:15 125 [1] - 400:16 12:11 [2] - 477:13, 478:7 13 [4] - 423:4, 436:19, 444:16, 470:14 14 [5] - 436:19, 463:18, 463:20, 480:7, 485:13 1443:08 [1] - 480:7 15 [18] - 438:24, 439:6, 439:21, 468:20, 468:21, 468:23, 468:24, 471:6, 473:13, 473:19, 485:15, 504:11, 510:19, 537:3, 537:14, 582:24, 584:20, 599:8 16 [9] - 436:19, 470:14, 481:12, 481:22, 481:23, 484:9, 484:20, 484:22, 485:1 16-second [1] - 513:21 17 [2] - 414:4, 516:10 18 [2] - 538:8, 538:11 186 [2] - 570:5, 570:7 18th [1] - 421:11 1989 [1] - 445:14 1:15 [3] - 477:3, 477:12, 478:5 1:18 [1] - 478:7 1:18-CV-186 [2] - 400:4, 402:4	3		
	2 [3] - 581:7, 581:9, 604:9 20 [7] - 413:21, 434:5, 485:16, 486:3, 538:9, 538:11, 590:10 20/20 [3] - 490:5, 490:10, 589:20 200 [2] - 400:19, 463:13 2000 [1] - 540:14 2003 [1] - 526:23 2004 [2] - 527:14, 527:20 2005 [2] - 415:21, 415:22 2010 [2] - 413:20, 415:20 2011 [2] - 415:20, 459:25 2013 [13] - 416:4, 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 432:14, 435:13, 540:17, 540:18, 541:17, 541:21 2014 [10] - 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 428:22, 432:14, 435:13, 565:2 2015 [1] - 428:22 2017 [10] - 425:2, 425:9, 427:14, 428:2, 428:18, 428:25, 432:14, 460:1, 580:16, 598:18 2019 [6] - 435:24, 515:21, 516:10, 518:9, 540:19, 570:18 2021 [3] - 400:12, 604:25, 605:5 20th [1] - 421:12 21 [1] - 565:3 212 [12] - 459:14, 459:21, 463:7, 463:8, 463:11, 481:25, 482:6, 485:2, 485:8, 518:6, 522:23 213 [2] - 459:15, 465:3 213-foot [1] - 485:2	4		
	2 [3] - 581:7, 581:9, 604:9 20 [7] - 413:21, 434:5, 485:16, 486:3, 538:9, 538:11, 590:10 20/20 [3] - 490:5, 490:10, 589:20 200 [2] - 400:19, 463:13 2000 [1] - 540:14 2003 [1] - 526:23 2004 [2] - 527:14, 527:20 2005 [2] - 415:21, 415:22 2010 [2] - 413:20, 415:20 2011 [2] - 415:20, 459:25 2013 [13] - 416:4, 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 432:14, 435:13, 540:17, 540:18, 541:17, 541:21 2014 [10] - 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 428:22, 432:14, 435:13, 565:2 2015 [1] - 428:22 2017 [10] - 425:2, 425:9, 427:14, 428:2, 428:18, 428:25, 432:14, 460:1, 580:16, 598:18 2019 [6] - 435:24, 515:21, 516:10, 518:9, 540:19, 570:18 2021 [3] - 400:12, 604:25, 605:5 20th [1] - 421:12 21 [1] - 565:3 212 [12] - 459:14, 459:21, 463:7, 463:8, 463:11, 481:25, 482:6, 485:2, 485:8, 518:6, 522:23 213 [2] - 459:15, 465:3 213-foot [1] - 485:2	5		
	2 [3] - 581:7, 581:9, 604:9 20 [7] - 413:21, 434:5, 485:16, 486:3, 538:9, 538:11, 590:10 20/20 [3] - 490:5, 490:10, 589:20 200 [2] - 400:19, 463:13 2000 [1] - 540:14 2003 [1] - 526:23 2004 [2] - 527:14, 527:20 2005 [2] - 415:21, 415:22 2010 [2] - 413:20, 415:20 2011 [2] - 415:20, 459:25 2013 [13] - 416:4, 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 432:14, 435:13, 540:17, 540:18, 541:17, 541:21 2014 [10] - 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 428:22, 432:14, 435:13, 565:2 2015 [1] - 428:22 2017 [10] - 425:2, 425:9, 427:14, 428:2, 428:18, 428:25, 432:14, 460:1, 580:16, 598:18 2019 [6] - 435:24, 515:21, 516:10, 518:9, 540:19, 570:18 2021 [3] - 400:12, 604:25, 605:5 20th [1] - 421:12 21 [1] - 565:3 212 [12] - 459:14, 459:21, 463:7, 463:8, 463:11, 481:25, 482:6, 485:2, 485:8, 518:6, 522:23 213 [2] - 459:15, 465:3 213-foot [1] - 485:2	6		
	2 [3] - 581:7, 581:9, 604:9 20 [7] - 413:21, 434:5, 485:16, 486:3, 538:9, 538:11, 590:10 20/20 [3] - 490:5, 490:10, 589:20 200 [2] - 400:19, 463:13 2000 [1] - 540:14 2003 [1] - 526:23 2004 [2] - 527:14, 527:20 2005 [2] - 415:21, 415:22 2010 [2] - 413:20, 415:20 2011 [2] - 415:20, 459:25 2013 [13] - 416:4, 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 432:14, 435:13, 540:17, 540:18, 541:17, 541:21 2014 [10] - 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 428:22, 432:14, 435:13, 565:2 2015 [1] - 428:22 2017 [10] - 425:2, 425:9, 427:14, 428:2, 428:18, 428:25, 432:14, 460:1, 580:16, 598:18 2019 [6] - 435:24, 515:21, 516:10, 518:9, 540:19, 570:18 2021 [3] - 400:12, 604:25, 605:5 20th [1] - 421:12 21 [1] - 565:3 212 [12] - 459:14, 459:21, 463:7, 463:8, 463:11, 481:25, 482:6, 485:2, 485:8, 518:6, 522:23 213 [2] - 459:15, 465:3 213-foot [1] - 485:2	7		
	2 [3] - 581:7, 581:9, 604:9 20 [7] - 413:21, 434:5, 485:16, 486:3, 538:9, 538:11, 590:10 20/20 [3] - 490:5, 490:10, 589:20 200 [2] - 400:19, 463:13 2000 [1] - 540:14 2003 [1] - 526:23 2004 [2] - 527:14, 527:20 2005 [2] - 415:21, 415:22 2010 [2] - 413:20, 415:20 2011 [2] - 415:20, 459:25 2013 [13] - 416:4, 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 432:14, 435:13, 540:17, 540:18, 541:17, 541:21 2014 [10] - 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 428:22, 432:14, 435:13, 565:2 2015 [1] - 428:22 2017 [10] - 425:2, 425:9, 427:14, 428:2, 428:18, 428:25, 432:14, 460:1, 580:16, 598:18 2019 [6] - 435:24, 515:21, 516:10, 518:9, 540:19, 570:18 2021 [3] - 400:12, 604:25, 605:5 20th [1] - 421:12 21 [1] - 565:3 212 [12] - 459:14, 459:21, 463:7, 463:8, 463:11, 481:25, 482:6, 485:2, 485:8, 518:6, 522:23 213 [2] - 459:15, 465:3 213-foot [1] - 485:2	8		
	2 [3] - 581:7, 581:9, 604:9 20 [7] - 413:21, 434:5, 485:16, 486:3, 538:9, 538:11, 590:10 20/20 [3] - 490:5, 490:10, 589:20 200 [2] - 400:19, 463:13 2000 [1] - 540:14 2003 [1] - 526:23 2004 [2] - 527:14, 527:20 2005 [2] - 415:21, 415:22 2010 [2] - 413:20, 415:20 2011 [2] - 415:20, 459:25 2013 [13] - 416:4, 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 432:14, 435:13, 540:17, 540:18, 541:17, 541:21 2014 [10] - 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 428:22, 432:14, 435:13, 565:2 2015 [1] - 428:22 2017 [10] - 425:2, 425:9, 427:14, 428:2, 428:18, 428:25, 432:14, 460:1, 580:16, 598:18 2019 [6] - 435:24, 515:21, 516:10, 518:9, 540:19, 570:18 2021 [3] - 400:12, 604:25, 605:5 20th [1] - 421:12 21 [1] - 565:3 212 [12] - 459:14, 459:21, 463:7, 463:8, 463:11, 481:25, 482:6, 485:2, 485:8, 518:6, 522:23 213 [2] - 459:15, 465:3 213-foot [1] - 485:2	9		
	2 [3] - 581:7, 581:9, 604:9 20 [7] - 413:21, 434:5, 485:16, 486:3, 538:9, 538:11, 590:10 20/20 [3] - 490:5, 490:10, 589:20 200 [2] - 400:19, 463:13 2000 [1] - 540:14 2003 [1] - 526:23 2004 [2] - 527:14, 527:20 2005 [2] - 415:21, 415:22 2010 [2] - 413:20, 415:20 2011 [2] - 415:20, 459:25 2013 [13] - 416:4, 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 432:14, 435:13, 540:17, 540:18, 541:17, 541:21 2014 [10] - 425:25, 426:6, 427:6, 427:14, 428:2, 428:15, 428:22, 432:14, 435:13, 565:2 2015 [1] - 428:22 2017 [10] - 425:2, 425:9, 427:14, 428:2, 428:18, 428:25, 432:14, 460:1, 580:16, 598:18 2019 [6] - 435:24, 515:21, 516:10, 518:9, 540:19, 570:18 2021 [3] - 400:12, 604:25, 605:5 20th [1] - 421:12 21 [1] - 565:3 212 [12] - 459:14, 459:21, 463:7, 463:8, 463:11, 481:25, 482:6, 485:2, 485:8, 518:6, 522:23 213 [2] - 459:15, 465:3 213-foot [1] - 485:2	A		
	2 [3] - 581:7, 581:9, 604:9 20 [7] - 413:21, 434:5, 485:16, 486:3, 538:9, 53			

<p>accolades [1] - 449:17</p> <p>according [10] - 481:1, 481:25, 494:24, 506:5, 507:20, 507:23, 508:9, 511:5, 516:1, 540:7</p> <p>account [3] - 473:15, 500:25, 501:6</p> <p>accuracy [1] - 534:17</p> <p>accurate [2] - 470:5, 517:6</p> <p>accusations [1] - 498:5</p> <p>accuse [1] - 574:16</p> <p>achieved [1] - 438:22</p> <p>acknowledge [1] - 562:10</p> <p>acres [2] - 436:23, 443:21</p> <p>acted [1] - 420:1</p> <p>ACTION [1] - 400:4</p> <p>action [14] - 400:12, 448:18, 464:9, 513:5, 560:18, 560:25, 561:2, 561:25, 562:13, 562:23, 563:11, 563:19, 566:11, 604:24</p> <p>actions [8] - 461:17, 461:18, 490:25, 497:12, 530:3, 548:25, 555:14, 555:15</p> <p>active [2] - 447:22</p> <p>actively [9] - 492:8, 492:11, 492:15, 493:2, 493:4, 546:20, 547:20, 586:13, 586:21</p> <p>activities [3] - 409:18, 454:23, 486:19</p> <p>actual [7] - 459:25, 463:18, 465:16, 520:4, 538:22, 581:14, 604:8</p> <p>adapted [1] - 408:9</p> <p>add [1] - 513:15</p> <p>added [3] - 487:8, 487:22, 506:13</p> <p>adding [2] - 484:16, 539:18</p> <p>addition [2] - 447:13, 540:22</p> <p>additional [5] - 447:10, 487:22, 499:2, 509:9, 600:24</p> <p>additionally [1] - 535:14</p>	<p>address [6] - 402:25, 403:19, 464:3, 596:22, 602:13, 603:19</p> <p>addressed [2] - 489:15, 489:17</p> <p>addresses [1] - 489:19</p> <p>adjacent [3] - 504:8, 587:13, 590:18</p> <p>adjourned [1] - 604:18</p> <p>adjust [2] - 419:4, 506:8</p> <p>adjustment [1] - 440:17</p> <p>adjustments [1] - 491:24</p> <p>Administratrix [1] - 400:4</p> <p>administratrix [3] - 419:12, 419:24, 422:9</p> <p>admit [1] - 513:1</p> <p>admitted [6] - 602:21, 602:24, 602:25, 604:6, 604:10, 604:13</p> <p>adored [1] - 408:23</p> <p>adult [1] - 408:8</p> <p>adults [1] - 409:10</p> <p>advanced [2] - 509:10</p> <p>advantage [1] - 510:3</p> <p>adverse [1] - 517:25</p> <p>advise [4] - 418:15, 601:11, 602:2, 603:3</p> <p>advising [2] - 424:23, 542:16</p> <p>aerosol [1] - 448:16</p> <p>Affairs [1] - 446:20</p> <p>affect [1] - 422:15</p> <p>affected [2] - 410:10, 410:21</p> <p>afraid [4] - 551:17, 551:18, 593:6</p> <p>afternoon [6] - 514:12, 514:13, 515:17, 536:17, 537:6, 537:14</p> <p>age [4] - 407:7, 407:9, 409:9, 438:1</p> <p>agencies [2] - 446:9, 446:10</p> <p>agency [11] - 446:1, 446:6, 446:20, 449:4, 466:25, 523:13, 524:21, 531:25, 555:2, 555:4, 559:16</p> <p>aggressive [6] - 471:11, 471:15,</p>	<p>471:16, 471:25, 483:10, 581:25</p> <p>aggressively [1] - 593:12</p> <p>ago [7] - 405:24, 406:4, 415:13, 443:19, 540:6, 565:12, 579:2</p> <p>agree [26] - 402:9, 435:11, 530:17, 530:22, 539:25, 545:13, 547:24, 548:7, 550:24, 551:7, 551:15, 551:16, 552:14, 552:20, 552:23, 553:2, 554:15, 560:5, 565:22, 567:5, 567:22, 568:6, 583:12, 589:8, 589:16, 593:11</p> <p>agreed [5] - 555:25, 567:11, 576:7, 578:16, 584:22</p> <p>agreement [9] - 419:19, 419:20, 538:13, 538:15, 538:18, 538:22, 539:2, 539:18, 541:2</p> <p>agreements [1] - 443:13</p> <p>ahead [5] - 403:19, 438:20, 445:22, 531:18, 570:1</p> <p>aid [2] - 454:2, 479:24</p> <p>aided [1] - 400:25</p> <p>aids [2] - 453:11, 453:18</p> <p>ain't [1] - 411:9</p> <p>air [1] - 438:20</p> <p>al [2] - 543:12, 544:12</p> <p>alignment [1] - 470:2</p> <p>allegation [1] - 536:21</p> <p>allegedly [2] - 507:21, 510:13</p> <p>alleges [1] - 511:3</p> <p>allow [1] - 510:4</p> <p>allowed [3] - 477:19, 558:25, 581:10</p> <p>allows [1] - 481:18</p> <p>almost [14] - 421:3, 423:24, 435:24, 448:9, 473:22, 473:25, 504:19, 505:20, 505:22, 507:22, 583:5, 591:2, 591:12, 598:25</p> <p>alter [2] - 475:18,</p>	<p>518:2</p> <p>Amanda [6] - 433:23, 433:25, 434:10, 434:11, 434:12, 434:13</p> <p>ambulance [2] - 521:20, 522:21</p> <p>Amendment [1] - 489:20</p> <p>American [1] - 494:15</p> <p>amount [6] - 486:21, 522:22, 530:15, 562:12, 564:9, 589:2</p> <p>amplifying [1] - 503:3</p> <p>analysis [5] - 545:18, 555:18, 555:20, 556:1, 556:2</p> <p>analyst [2] - 445:3, 447:20</p> <p>analyze [1] - 462:10</p> <p>angle [4] - 457:10, 470:17, 472:10, 507:14</p> <p>angled [2] - 506:19</p> <p>announced [2] - 484:13, 484:21</p> <p>announcement [3] - 480:16, 481:2, 510:5</p> <p>announces [1] - 483:22</p> <p>announcing [1] - 481:4</p> <p>answer [20] - 430:23, 433:12, 433:14, 434:8, 435:9, 474:24, 475:10, 505:9, 522:11, 532:7, 532:8, 533:22, 565:10, 570:15, 574:20, 576:2, 592:20, 594:13, 601:1, 601:3</p> <p>answered [2] - 565:22, 570:18</p> <p>answers [2] - 501:20, 551:8</p> <p>anticipate [3] - 590:8, 600:24, 601:14</p> <p>anyway [1] - 402:16</p> <p>apart [3] - 407:7, 519:17, 519:19</p> <p>apologies [4] - 453:21, 539:23, 545:15, 545:16</p> <p>apologize [4] - 455:17, 466:8, 511:22, 587:22</p> <p>appear [5] - 423:16, 442:21, 443:2, 457:2, 485:18</p>	<p>appearance [2] - 527:17, 527:25</p> <p>appearances [3] - 448:20, 448:24, 448:25</p> <p>APPEARANCES [1] - 400:14</p> <p>appeared [1] - 449:3</p> <p>apples [1] - 568:1</p> <p>application [3] - 502:3, 502:10, 549:3</p> <p>applied [3] - 501:11, 525:10, 525:19</p> <p>apply [6] - 489:22, 500:8, 525:13, 525:21, 541:14, 584:10</p> <p>appointment [2] - 602:12, 603:4</p> <p>appointments [5] - 431:11, 431:15, 431:18, 431:21, 432:1</p> <p>appreciate [4] - 404:3, 404:15, 544:14, 576:2</p> <p>apprehended [1] - 449:13</p> <p>apprehending [1] - 449:10</p> <p>approach [13] - 414:18, 430:4, 436:4, 460:18, 478:23, 516:6, 526:16, 528:14, 533:13, 564:19, 565:17, 580:11, 581:19</p> <p>appropriate [3] - 542:24, 558:8, 562:11</p> <p>April [4] - 400:12, 565:2, 604:24, 605:5</p> <p>arc [1] - 459:5</p> <p>area [31] - 403:1, 417:10, 452:15, 452:18, 452:20, 452:22, 453:8, 454:9, 458:16, 459:4, 460:2, 467:9, 467:12, 468:1, 468:8, 469:24, 472:5, 482:1, 497:21, 505:13, 505:24, 506:3, 509:19, 509:21, 520:21, 521:25, 581:11, 588:16, 588:22, 589:3, 595:3</p> <p>areas [1] - 578:12</p>
---	--	--	---	---

arena ^[19] - 452:12, 452:14, 452:15, 452:17, 452:21, 452:25, 453:1, 453:8, 454:9, 466:4, 466:18, 466:20, 468:7, 469:8, 481:14, 497:20, 498:3, 515:17, 516:12 arguing ^[2] - 533:20, 535:5 argument ^[1] - 422:3 arm ^[1] - 449:11 armed ^[17] - 449:11, 449:14, 506:6, 507:13, 507:24, 509:7, 510:12, 529:13, 552:15, 553:20, 554:12, 567:6, 567:11, 567:15, 567:25 arms ^[2] - 410:25, 413:8 arrangement ^[1] - 419:18 arrested ^[1] - 527:9 arrived ^[2] - 449:15, 482:8 arriving ^[1] - 482:14 arrows ^[1] - 465:3 articles ^[1] - 448:13 articulate ^[2] - 490:23, 491:6 articulated ^[4] - 457:16, 485:4, 500:25, 584:13 artist ^[2] - 408:9, 503:14 arts ^[1] - 450:4 ashes ^[1] - 421:4 aside ^[3] - 431:25, 533:8, 555:5 aspirational ^[1] - 537:4 assess ^[4] - 454:4, 455:6, 464:8, 481:19 assessed ^[2] - 468:8, 496:2 assessing ^[2] - 466:12, 484:19 assessment ^[5] - 463:10, 464:13, 483:25, 490:6, 558:22 assessments ^[2] - 559:25, 560:2 assigned ^[1] - 445:18 assist ^[3] - 405:3, 453:12, 479:24	assistance ^[2] - 442:5, 449:15 assisted ^[1] - 431:22 associated ^[2] - 517:5, 530:5 Association ^[3] - 449:24, 450:1, 450:3 associations ^[4] - 449:22, 450:3, 450:5, 450:6 assume ^[3] - 405:15, 434:12, 581:22 assuming ^[1] - 602:5 assumption ^[1] - 544:1 assure ^[2] - 454:7, 518:1 assured ^[1] - 517:8 AT ^[1] - 400:2 attached ^[1] - 451:18 attempt ^[3] - 500:9, 512:9, 560:18 attempted ^[2] - 474:3, 512:22 attempting ^[3] - 461:14, 471:21, 591:3 attendance ^[1] - 528:13 attending ^[2] - 447:18, 448:9 attention ^[3] - 480:12, 564:2, 601:22 attest ^[1] - 540:21 attorney ^[10] - 429:24, 494:10, 494:13, 528:9, 535:12, 536:8, 538:17, 541:14, 542:10, 550:3 attorneys ^[7] - 534:2, 534:8, 536:14, 539:3, 541:2, 541:4, 541:9 attribute ^[1] - 510:15 audio ^[2] - 451:16 August ^[10] - 421:5, 421:14, 425:2, 425:9, 427:14, 428:25, 580:16, 589:17, 592:5, 598:18 aunt ^[1] - 437:18 Austin ^[1] - 400:17 authored ^[2] - 448:13, 448:17 auxiliary ^[1] - 446:10 available ^[4] - 452:22, 541:16, 551:14, 556:25	average ^[3] - 441:19, 454:21, 558:21 avoid ^[1] - 563:23 aware ^[21] - 528:1, 531:11, 531:22, 531:25, 533:8, 534:2, 534:7, 534:8, 534:9, 534:12, 535:9, 536:14, 537:19, 540:2, 540:10, 540:11, 541:20, 558:5, 558:10, 560:1 <div style="text-align: center;">B</div> babies ^[1] - 443:24 backed ^[7] - 471:2, 471:4, 474:1, 474:2, 484:7, 496:16, 574:17 background ^[4] - 483:12, 551:13, 558:3, 558:23 backing ^[8] - 474:13, 498:2, 504:20, 505:24, 509:2, 509:3, 578:11, 589:21 backs ^[1] - 508:9 backwards ^[1] - 517:4 bad ^[4] - 495:14, 511:8, 520:1, 536:16 bailed ^[1] - 513:2 Bailey ^[1] - 400:18 ball ^[1] - 509:17 ballistic ^[1] - 507:7 ballistics ^[1] - 545:25 balloon ^[1] - 423:22 balloons ^[2] - 410:11, 410:14 banging ^[1] - 529:4 barely ^[1] - 471:20 bars ^[3] - 417:16, 417:17, 417:18 base ^[1] - 490:6 baseball ^[1] - 452:18 based ^[62] - 402:10, 442:3, 442:9, 442:13, 442:16, 442:18, 453:4, 455:7, 461:12, 461:14, 461:15, 461:16, 462:2, 463:5, 467:12, 473:9, 473:15, 480:4, 481:9, 482:6, 482:8, 482:20, 483:12, 484:25, 488:7, 488:15, 491:14, 491:18, 492:17, 517:19, 517:21, 518:5, 521:10, 522:7, 530:10, 530:13, 533:25, 534:19, 540:1, 542:22, 547:11, 548:20, 550:10, 551:12, 551:18, 556:12, 557:10, 558:8, 568:15, 568:17, 568:19, 569:4, 574:5, 574:8, 583:24, 584:5, 584:15, 586:14, 592:9, 594:7, 601:12 bases ^[1] - 534:24 basic ^[4] - 461:13, 506:23, 508:1, 509:11 basing ^[1] - 586:6 basis ^[4] - 451:9, 500:6, 534:22, 592:9 Beach ^[3] - 445:15, 446:18, 449:9 beams ^[1] - 413:23 bear ^[2] - 544:3, 582:17 bearing ^[1] - 565:11 beating ^[1] - 409:10 beautiful ^[3] - 408:17, 443:21, 485:24 became ^[6] - 408:8, 419:12, 422:8, 447:20, 447:21, 459:8 become ^[5] - 445:17, 447:8, 465:22, 560:7 becomes ^[2] - 455:1, 469:17 becoming ^[1] - 445:3 bed ^[1] - 410:24 began ^[7] - 474:3, 480:6, 480:12, 483:9, 483:19, 511:25, 548:1 begin ^[1] - 471:22 beginning ^[4] - 468:12, 484:22, 519:18, 564:11 begins ^[3] - 465:13, 506:2, 510:22 behalf ^[6] - 422:10, 528:9, 528:25, 529:25, 531:12, 531:24 behind ^[12] - 420:20, 457:1, 467:18, 469:11, 469:15, 469:16, 469:17, 470:9, 507:14, 507:15, 588:21 beings ^[1] - 593:8 beliefs ^[1] - 592:14 believes ^[1] - 488:9 bell ^[1] - 569:20 belong ^[1] - 449:20 below ^[1] - 485:23 Bench ^[6] - 414:20, 415:5, 460:20, 463:1, 533:14, 536:25 bench ^[2] - 402:13, 543:2 beneficial ^[1] - 479:10 benefit ^[14] - 462:8, 483:13, 483:24, 484:9, 484:18, 487:4, 487:12, 490:5, 503:9, 517:7, 522:15, 522:18, 550:15, 594:8 Benjamin ^[1] - 400:18 berm ^[5] - 458:18, 465:14, 467:13, 482:1, 505:14 berm-type ^[1] - 465:14 best ^[7] - 405:19, 438:3, 449:8, 453:4, 508:24, 539:12, 604:23 better ^[13] - 443:16, 445:5, 453:12, 453:21, 464:4, 470:18, 481:23, 512:20, 539:8, 559:14, 564:10, 566:3, 566:8 between ^[29] - 407:9, 419:19, 421:5, 421:10, 427:8, 449:2, 470:11, 472:4, 473:14, 474:15, 481:10, 492:8, 496:13, 496:23, 498:10, 506:19, 507:6, 509:6, 534:5, 552:16, 558:21, 561:1, 579:12, 579:15, 580:20, 582:5, 583:9, 590:16, 598:15 beyond ^[2] - 462:12, 462:13 big ^[10] - 406:22, 409:21, 413:18, 413:20, 413:23, 436:22, 442:14,
---	--	---

<p>469:23, 497:21, 525:8</p> <p>biggest [2] - 423:25, 426:10</p> <p>bills [1] - 429:17</p> <p>biological [1] - 428:8</p> <p>birthday [4] - 410:11, 421:11, 421:12, 422:6</p> <p>birthdays [2] - 421:5, 421:10</p> <p>bit [16] - 409:6, 409:16, 412:11, 412:16, 443:16, 445:10, 445:23, 446:21, 468:15, 479:11, 493:7, 493:9, 515:16, 515:23, 523:9, 576:7</p> <p>black [9] - 456:7, 456:9, 456:21, 458:16, 590:17, 591:10, 591:16, 592:7, 597:14</p> <p>blame [1] - 600:12</p> <p>blank [1] - 569:22</p> <p>block [5] - 507:4, 508:17, 508:25, 509:6, 510:13</p> <p>blocked [1] - 505:21</p> <p>blocking [2] - 505:6, 509:4</p> <p>Blue [1] - 443:22</p> <p>blurred [2] - 459:23</p> <p>board [3] - 470:6, 470:8, 562:4</p> <p>boards [1] - 525:15</p> <p>bodily [7] - 448:4, 488:11, 488:13, 548:14, 551:3, 551:4, 567:19</p> <p>body [3] - 561:2, 561:5, 577:14</p> <p>Bolaud [1] - 542:14</p> <p>Bonetti [6] - 540:5, 541:6, 542:14, 571:24, 572:1, 573:5</p> <p>BONETTI [1] - 542:14</p> <p>book [1] - 448:17</p> <p>boot [2] - 524:17, 525:4</p> <p>bore [1] - 448:7</p> <p>born [2] - 406:6, 406:7</p> <p>bothers [1] - 423:8</p> <p>bottle [1] - 563:25</p> <p>bottleneck [1] - 505:5</p> <p>bottom [3] - 441:1, 464:23</p> <p>bought [2] - 429:17, 443:21</p>	<p>bowl [9] - 453:3, 456:6, 465:13, 503:16, 505:15, 587:25, 588:3, 588:13, 588:17</p> <p>box [1] - 497:23</p> <p>boy [4] - 406:12, 406:18, 409:12, 423:9</p> <p>boys [46] - 407:17, 408:18, 408:20, 409:16, 409:23, 410:1, 410:8, 410:15, 411:24, 412:4, 412:22, 416:15, 420:24, 422:11, 425:12, 427:6, 427:15, 427:25, 428:4, 428:7, 429:9, 429:14, 430:25, 431:2, 431:4, 431:7, 431:10, 431:14, 432:1, 432:15, 432:18, 432:21, 432:22, 433:1, 433:3, 433:11, 433:25, 434:6, 434:11, 434:12, 435:18, 435:22, 437:24, 438:2, 438:4, 438:5</p> <p>Boys [1] - 413:9</p> <p>brain [2] - 561:5, 562:10</p> <p>brake [1] - 486:7</p> <p>branch [2] - 460:10</p> <p>Branham [40] - 455:13, 458:5, 458:18, 458:21, 459:20, 463:8, 468:16, 470:5, 476:9, 482:7, 485:19, 487:14, 494:25, 495:23, 495:24, 496:9, 503:19, 504:23, 505:7, 520:18, 521:3, 521:11, 522:10, 547:3, 547:12, 549:19, 579:22, 580:6, 580:15, 581:5, 586:1, 586:2, 586:4, 587:19, 596:9, 596:11, 596:13, 597:10, 597:12, 597:15</p> <p>Branham's [5] - 475:14, 475:18,</p>	<p>482:1, 516:22, 547:1</p> <p>break [10] - 438:19, 438:23, 448:8, 475:22, 476:20, 477:1, 529:15, 536:17, 537:6, 537:14</p> <p>breath [1] - 511:20</p> <p>Brett [1] - 544:6</p> <p>bridge [1] - 534:5</p> <p>bridging [1] - 449:1</p> <p>brief [4] - 436:8, 446:4, 595:12, 600:23</p> <p>briefed [1] - 543:20</p> <p>briefly [1] - 478:24</p> <p>bring [8] - 404:6, 422:9, 439:24, 453:16, 459:13, 478:9, 478:12, 601:21</p> <p>bringing [3] - 404:3, 457:21, 575:9</p> <p>brings [1] - 460:15</p> <p>broad [1] - 578:14</p> <p>broke [1] - 417:21</p> <p>brother [12] - 406:23, 412:1, 412:24, 412:25, 413:1, 413:16, 419:25, 420:3, 436:15, 437:19, 437:20, 438:3</p> <p>brother-in-law [2] - 419:25, 420:3</p> <p>brothers [4] - 407:13, 407:15, 436:16</p> <p>brought [5] - 403:10, 502:19, 527:8, 593:13, 594:4</p> <p>Brown [1] - 400:22</p> <p>brush [6] - 460:4, 460:8, 469:13, 469:14, 505:3, 589:2</p> <p>buddy [1] - 406:14</p> <p>Budo [1] - 450:4</p> <p>built [3] - 413:19, 413:21</p> <p>bullet [6] - 473:3, 545:18, 545:23, 562:23, 567:9, 582:20</p> <p>bullet-point [1] - 582:20</p> <p>bunch [2] - 504:18, 595:3</p> <p>burying [1] - 411:4</p> <p>bushes [3] - 591:15, 592:7, 597:14</p> <p>busy [1] - 480:19</p>	<p>buy [1] - 429:18</p> <p>BY [38] - 405:5, 415:10, 417:3, 419:8, 424:16, 424:24, 430:10, 430:18, 436:11, 440:21, 450:23, 454:1, 463:3, 476:7, 479:1, 479:16, 511:13, 512:8, 514:11, 514:22, 516:8, 526:18, 528:17, 537:24, 539:24, 545:12, 545:17, 564:21, 565:21, 572:16, 576:6, 580:13, 581:21, 590:14, 595:15, 596:4, 597:3, 598:3</p> <p>bye [3] - 420:25, 423:1, 423:2</p> <p>bypassing [1] - 480:12</p>	<p>507:21, 508:10, 508:13, 508:15, 508:18, 508:21, 509:14, 509:18, 509:20, 509:21, 509:23, 510:5, 512:1, 512:2, 512:4, 512:16, 512:24, 512:25, 513:2, 513:19, 522:22, 554:6, 554:18, 556:11, 566:24, 567:22, 568:3, 578:7, 578:12, 583:5</p> <p>card [1] - 527:9</p> <p>care [14] - 427:15, 427:17, 427:24, 429:8, 429:12, 429:13, 429:15, 430:22, 430:24, 431:2, 431:7, 432:2, 432:9, 446:19</p> <p>career [7] - 445:14, 445:15, 447:18, 449:7, 496:6, 514:25, 525:11</p> <p>careful [1] - 461:23</p> <p>caring [1] - 424:8</p> <p>Carmen [2] - 541:25, 542:12</p> <p>carpentry [1] - 412:16</p> <p>carpet [1] - 414:2</p> <p>carried [1] - 535:18</p> <p>CARROLL [8] - 404:8, 414:18, 414:21, 415:3, 415:10, 416:20, 418:6, 418:10</p> <p>Carroll [6] - 400:21, 403:22, 414:17, 418:5, 418:9, 604:4</p> <p>Carroll.....414 [1] - 401:4</p> <p>Carroll.....423 [1] - 401:9</p> <p>cars [1] - 406:23</p> <p>cartoons [1] - 416:19</p> <p>case [153] - 408:19, 429:21, 439:1, 439:4, 442:3, 442:8, 442:10, 442:11, 442:16, 443:3, 443:4, 443:5, 443:8, 443:10, 450:14, 451:23, 452:25, 454:5, 454:7, 455:11, 455:20, 456:4, 456:15, 461:4, 467:16, 473:16, 474:20,</p>
---	---	---	--	--

C

cable [1] - 416:19

calculating [1] - 545:22

calculation [1] - 518:16

calculations [7] - 460:23, 461:3, 461:9, 479:3, 518:5, 518:15, 522:7

calm [1] - 550:8

camp [2] - 524:17, 525:4

canine [1] - 446:9

cannot [5] - 468:13, 490:4, 518:18, 543:22, 589:5

canted [1] - 470:25

Canyon [1] - 400:19

capable [2] - 510:7, 545:21

capacity [3] - 400:4, 400:9, 446:18

captured [1] - 503:18

car [55] - 407:4, 472:9, 472:10, 482:20, 486:14, 486:15, 489:3, 498:1, 503:20, 504:2, 504:17, 504:19, 504:25, 505:19, 505:20, 505:22, 506:4, 506:5, 506:11, 506:21,

475:19, 477:6,
477:10, 486:9,
488:12, 489:9,
489:21, 489:22,
490:9, 490:10,
490:11, 490:12,
494:19, 499:17,
500:4, 500:8, 502:3,
515:6, 515:9,
515:21, 516:24,
517:21, 518:3,
519:24, 521:10,
526:12, 528:24,
529:22, 530:6,
530:7, 530:10,
530:13, 531:9,
531:10, 531:11,
531:12, 531:22,
532:11, 532:15,
532:17, 532:20,
533:1, 533:7, 533:8,
535:1, 537:7,
537:11, 537:12,
540:3, 540:5, 540:7,
541:1, 541:10,
541:17, 541:21,
541:24, 542:11,
542:16, 543:7,
544:1, 544:10,
546:11, 546:24,
548:8, 553:24,
554:1, 554:8,
554:17, 554:19,
554:23, 555:21,
556:2, 556:16,
557:22, 558:3,
562:18, 564:12,
564:15, 569:16,
569:18, 569:19,
569:21, 569:24,
570:12, 570:14,
570:19, 570:23,
570:24, 570:25,
571:15, 571:16,
571:17, 571:18,
571:20, 571:22,
571:23, 572:3,
572:22, 573:5,
573:15, 573:20,
574:4, 574:12,
574:23, 575:11,
575:14, 576:24,
578:1, 582:8,
583:20, 585:4,
589:15, 593:19,
594:7, 600:9,
600:16, 600:17,
601:18, 602:24,
603:1
cases [22] - 441:21,
441:24, 442:8,

442:19, 442:22,
442:23, 531:6,
531:25, 533:9,
535:6, 541:21,
564:12, 569:10,
569:13, 571:9,
572:4, 573:4, 573:9,
575:24, 594:4,
594:11, 594:14
casings [3] - 465:20,
499:1, 499:2
cast [1] - 496:8
cat [1] - 406:17
catch [1] - 511:19
caught [1] - 457:13
caused [1] - 460:4
causes [2] - 460:12,
473:6
causing [1] - 567:19
cell [1] - 426:25
center [3] - 458:21,
524:16, 524:22
certain [8] - 423:7,
469:9, 474:9,
481:20, 541:22,
559:1, 571:9, 577:23
certainly [8] - 436:9,
441:25, 462:9,
462:17, 597:1,
602:7, 602:10,
602:11
certainty [2] - 451:2,
456:21
certificate [1] - 542:3
certification [2] -
444:23, 445:7
certification-wise [1] -
445:7
certifications [9] -
444:12, 444:14,
444:15, 444:17,
444:21, 444:24,
444:25, 445:9,
447:17
certified [5] - 444:9,
444:10, 445:4,
445:7, 447:9
certify [2] - 604:22,
605:1
challenge [11] - 534:3,
538:6, 538:7,
538:23, 538:24,
539:2, 539:4, 539:6,
539:11, 539:20,
540:9
challenged [1] -
533:10
challenging [1] -
544:9
chance [2] - 409:13,

574:6
change [7] - 423:12,
452:7, 501:16,
513:10, 520:7,
522:22, 538:14
changed [4] - 457:25,
483:19, 487:18,
585:19
changes [6] - 464:1,
493:18, 493:22,
498:8, 498:24
changing [2] - 494:7,
574:21
characterizing [1] -
522:12
charge [5] - 441:18,
603:8, 603:10,
603:15, 603:21
charges [1] - 527:9
chart [1] - 518:4
cherry [1] - 557:15
cherry-pick [1] -
557:15
chess [6] - 408:25,
409:5, 409:6, 409:8,
409:12, 410:4
chief [2] - 602:25,
603:1
Chiefs [1] - 449:24
child [3] - 414:13,
425:16, 431:11
children [6] - 411:25,
412:14, 414:6,
416:6, 416:8, 422:15
children's [1] - 421:10
choice [1] - 449:4
choices [1] - 490:24
choke [1] - 422:19
choose [1] - 525:25
chooses [1] - 525:17
chopped [4] - 519:17,
519:19, 520:10,
520:13
chosen [1] - 502:2
christy [1] - 436:12
Christy [22] - 408:17,
411:18, 411:24,
416:1, 416:5,
416:10, 416:14,
418:17, 418:22,
419:9, 419:10,
419:11, 419:23,
420:21, 421:1,
421:6, 421:23,
421:25, 422:8,
422:13, 424:3,
424:10
CHRISTY [3] - 400:4,
401:7, 419:2
Christy's [2] - 410:18,

411:13
chunk [1] - 575:22
circle [2] - 457:14,
466:2
Circuit [1] - 526:20
circumstance [2] -
489:4, 530:9
circumstances [8] -
489:2, 499:11,
499:14, 530:3,
549:8, 568:17,
589:19
cited [2] - 501:2, 559:4
citizen [4] - 493:13,
494:12, 550:25,
562:1
City [4] - 443:18,
443:20, 445:15,
521:17
CIVIL [1] - 400:4
civil [7] - 526:14,
531:9, 531:10,
531:11, 531:22,
533:9, 570:24
civilians [1] - 558:14
claim [5] - 403:9,
471:10, 476:16,
583:10, 597:21
claiming [1] - 403:13
claims [5] - 446:22,
461:16, 476:17,
488:12, 512:10
clarify [2] - 523:22,
596:20
CLARKSBURG [1] -
400:2
Clarksburg [1] -
400:13
class [1] - 447:8
clear [18] - 414:22,
428:24, 437:17,
464:17, 473:8,
483:3, 485:20,
489:24, 490:17,
496:14, 496:23,
497:7, 500:19,
529:24, 540:13,
551:17, 557:10,
573:6
cleared [1] - 493:21
clearing [5] - 483:20,
484:12, 585:17,
590:19, 590:23
clearly [5] - 414:24,
440:18, 489:9,
512:3, 520:19
Clerk [8] - 404:23,
418:13, 418:20,
418:25, 424:22,
440:14, 457:15,

479:14
CLERK [1] - 456:1
clerk [3] - 526:20,
604:4, 604:11
clicker [2] - 453:20,
479:7
client [2] - 442:25,
526:5
client's [1] - 526:10
climb [1] - 589:6
climbing [1] - 588:11
clip [1] - 485:10
clock [2] - 481:22,
483:22
close [5] - 422:3,
487:13, 502:6,
525:5, 603:16
closed [2] - 573:10,
575:24
closer [5] - 459:13,
468:11, 468:15,
553:12, 553:16
clothed [2] - 427:18,
431:7
clothing [1] - 429:17
co [1] - 547:25
co-counsel [1] -
547:25
coasted [1] - 472:22
coefficient [1] - 472:2
collect [1] - 584:12
collected [1] - 466:23
collection [1] - 602:18
combine [2] - 557:17,
586:21
combining [1] - 587:8
comfortable [2] -
419:4, 550:22
comical [1] - 406:18
coming [18] - 407:2,
422:21, 440:14,
471:17, 473:24,
482:13, 486:16,
486:24, 536:23,
567:14, 567:17,
580:2, 582:25,
583:14, 584:2,
584:21, 599:10,
599:20
command [1] - 510:7
commands [13] -
482:24, 482:25,
486:14, 510:1,
556:10, 556:19,
557:3, 557:13,
560:14, 567:6,
567:7, 567:16,
567:17
commenced [1] -
402:1

commendation [3] - 449:8, 449:10, 449:16 commendations [1] - 449:5 comments [1] - 576:3 committed [1] - 513:5 common [3] - 414:11, 570:11, 571:2 commonality [1] - 571:4 communication [4] - 447:24, 447:25, 495:19, 560:11 communications [4] - 426:22, 426:23, 427:2, 494:21 community [3] - 449:2, 449:18, 449:19 company [2] - 407:17, 407:21 comparison [2] - 481:16, 558:20 compartment [2] - 483:20, 484:12 compartmentalize [1] - 494:1 compartmentalizing [1] - 566:18 compelled [1] - 601:4 compensated [2] - 441:12, 442:15 compensation [2] - 555:5, 555:7 compilation [1] - 559:21 complete [2] - 481:16, 562:13 completed [4] - 448:4, 481:10, 562:24, 563:12 completely [2] - 473:17, 474:5 complex [1] - 562:3 compliance [1] - 510:2 complied [2] - 557:4, 557:6 comply [2] - 556:18, 605:1 complying [1] - 556:10 component [1] - 560:24 comprehensive [1] - 530:15 comptroller [1] - 526:20 computations [1] -	463:12 computer [1] - 400:25 computer-aided [1] - 400:25 concealment [4] - 507:5, 507:7, 507:10, 509:9 concede [3] - 549:17, 549:21, 550:12 conceded [1] - 500:16 conceivable [1] - 497:19 concept [6] - 453:12, 455:3, 462:17, 514:4, 562:3, 566:2 Concepts [1] - 448:17 concern [3] - 497:8, 504:14, 543:3 concluded [3] - 415:5, 463:1, 536:25 conclusion [2] - 534:16, 552:7 conducted [7] - 444:16, 444:20, 452:1, 454:17, 455:13, 500:19, 536:6 conducting [3] - 403:23, 439:3, 594:24 conference [9] - 414:20, 415:5, 460:20, 463:1, 533:14, 536:25, 543:3, 603:22, 605:2 conferences [2] - 432:15, 432:17 confident [4] - 495:10, 495:11, 497:23, 566:15 confines [1] - 456:20 confirm [1] - 564:22 confirming [1] - 498:10 conflict [14] - 494:20, 557:20, 573:24, 573:25, 576:14, 578:6, 579:12, 579:15, 579:21, 580:20, 582:5, 582:9, 583:8, 589:9 conflicting [1] - 592:10 conflicts [4] - 557:14, 579:8, 589:11, 590:16 confuse [1] - 567:21 confused [3] - 482:4, 501:20, 586:3 confusing [1] - 444:23	connect [1] - 534:5 connection [1] - 600:17 Connor [9] - 489:14, 489:15, 489:17, 489:23, 489:24, 490:22, 589:15, 589:16, 593:2 consider [17] - 452:16, 454:10, 466:13, 466:17, 481:22, 497:7, 503:22, 547:14, 547:15, 551:10, 551:21, 551:23, 552:5, 553:3, 557:16, 602:17 consideration [11] - 458:2, 469:7, 472:16, 483:6, 484:1, 486:2, 506:25, 552:10, 552:12, 556:1, 556:18 considerations [2] - 455:6, 491:10 considered [10] - 450:13, 471:20, 484:17, 498:18, 517:10, 547:8, 553:4, 556:4, 566:23, 602:24 considering [5] - 488:18, 501:11, 522:2, 555:11, 572:1 consisted [1] - 447:2 consistent [2] - 562:4, 569:9 consists [1] - 447:1 constitutional [3] - 489:11, 489:21, 494:14 construction [4] - 403:8, 407:17, 408:9, 415:14 consultant [3] - 441:7, 444:15, 447:13 consultation [3] - 442:1, 442:3, 443:7 consume [1] - 484:8 consumed [1] - 485:1 contact [4] - 492:9, 492:10, 534:3, 539:6 contacts [1] - 443:9 contained [1] - 499:22 contains [1] - 588:13 context [7] - 403:17, 403:18, 541:12, 570:22, 573:12, 575:10, 585:8	continue [14] - 407:25, 438:25, 439:3, 463:4, 477:6, 477:8, 478:17, 478:21, 513:6, 537:7, 537:10, 538:19, 600:9, 600:14 continued [1] - 404:15 continuing [1] - 472:19 continuum [1] - 480:8 contract [6] - 538:20, 540:7, 540:23, 540:24, 541:8 contrary [1] - 442:25 contribute [1] - 502:2 contributed [3] - 502:10, 502:23, 513:13 control [4] - 444:18, 447:23, 505:17, 561:21 convenience [1] - 464:4 conversation [3] - 542:21, 600:23, 603:12 converted [1] - 447:11 convey [1] - 602:11 cool [1] - 406:23 coordinate [2] - 495:1, 495:18 coordination [1] - 518:20 cop [1] - 507:11 Cops [2] - 449:3, 449:5 copy [3] - 479:2, 516:9, 580:8 Corey [11] - 462:3, 462:6, 473:9, 473:11, 473:14, 473:18, 494:18, 578:1, 591:14, 591:18, 591:20 corner [6] - 440:4, 456:7, 459:3, 465:22, 482:2, 574:17 coroner [1] - 420:16 correct [9] - 402:14, 402:19, 415:15, 416:11, 419:13, 419:21, 425:2, 425:6, 425:10, 425:16, 425:25, 428:8, 429:24, 430:2, 431:12, 431:13, 432:9, 434:15, 487:1,	514:24, 515:7, 515:10, 515:13, 515:14, 516:17, 516:19, 516:25, 518:9, 519:3, 519:12, 519:13, 519:14, 519:15, 520:10, 520:11, 520:13, 521:4, 521:5, 521:8, 521:21, 523:17, 525:8, 526:8, 526:10, 526:24, 527:17, 531:7, 531:19, 532:3, 532:6, 545:19, 545:20, 545:23, 545:24, 546:4, 546:7, 546:13, 546:20, 547:1, 547:2, 548:2, 553:23, 555:2, 557:22, 564:13, 564:17, 565:8, 567:3, 567:13, 568:14, 569:1, 569:2, 575:20, 576:17, 577:11, 577:20, 577:25, 578:4, 578:20, 581:24, 582:3, 583:2, 583:12, 588:18, 589:22, 593:15, 599:11, 602:21, 604:9, 604:11, 604:23 correction's [1] - 524:25 corrections [1] - 524:22 correctly [3] - 415:25, 491:21, 520:23 couch [1] - 422:18 Counsel [1] - 595:25 counsel [22] - 402:5, 403:2, 403:8, 476:8, 477:16, 478:4, 478:8, 502:25, 533:10, 533:13, 542:2, 542:15, 543:6, 543:25, 544:1, 544:3, 544:6, 547:25, 601:9, 603:1, 603:8 counsel's [1] - 603:7 counseling [2] - 435:18, 435:25 County [9] - 420:14, 425:9, 446:7, 487:24, 488:8,
--	--	---	--	---

<p>524:15, 526:13, 527:6, 554:24 couple [7] - 416:24, 433:17, 437:16, 472:25, 476:1, 527:14, 527:19 course [5] - 410:12, 414:12, 477:5, 565:25, 577:12 COURT [150] - 400:1, 402:2, 402:12, 402:17, 402:21, 403:4, 403:21, 404:1, 404:3, 404:6, 404:9, 404:13, 404:20, 405:15, 414:16, 414:19, 414:25, 415:7, 416:22, 417:1, 418:4, 418:7, 418:9, 418:11, 418:18, 418:20, 418:24, 419:3, 424:12, 424:22, 430:5, 430:8, 430:14, 436:5, 436:7, 436:9, 438:13, 438:17, 439:9, 439:12, 439:15, 439:18, 439:21, 439:23, 440:2, 440:5, 440:9, 440:13, 440:16, 446:2, 450:10, 450:12, 453:22, 455:18, 455:23, 460:19, 460:21, 461:8, 461:23, 462:11, 462:19, 475:21, 476:3, 476:6, 476:22, 476:24, 477:14, 478:2, 478:4, 478:8, 478:12, 478:15, 478:20, 478:25, 479:10, 502:24, 503:3, 503:8, 511:9, 511:12, 511:20, 514:7, 514:21, 516:7, 526:17, 528:16, 533:12, 533:15, 533:23, 534:4, 534:9, 534:12, 534:15, 534:22, 535:20, 535:24, 536:4, 536:10, 536:16, 537:2, 537:18, 539:21, 541:23, 542:2, 542:5, 542:11, 542:15, 542:19, 543:14,</p>	<p>543:16, 543:19, 543:25, 544:5, 544:8, 544:14, 544:19, 544:22, 544:24, 545:2, 545:5, 545:8, 545:16, 564:20, 565:18, 572:13, 576:1, 580:12, 581:20, 589:24, 590:2, 590:7, 590:12, 595:10, 596:1, 596:21, 597:1, 597:25, 599:24, 600:1, 600:3, 600:23, 601:1, 601:8, 602:5, 602:10, 602:23, 603:21, 604:1, 604:7, 604:13 court [25] - 402:1, 404:12, 415:6, 439:8, 440:8, 444:1, 463:2, 478:14, 489:24, 501:23, 518:25, 520:5, 526:13, 526:20, 527:7, 532:12, 532:14, 533:6, 536:3, 537:1, 537:17, 540:4, 545:7, 600:22, 604:4 Court [18] - 402:10, 414:21, 450:24, 461:24, 489:14, 489:17, 503:9, 526:20, 540:13, 540:16, 540:23, 541:19, 542:20, 543:23, 604:5, 604:21, 605:2, 605:8 Court's [5] - 402:6, 415:2, 543:9, 544:17, 601:22 courtroom [10] - 404:11, 440:7, 477:13, 477:17, 478:13, 537:16, 545:6, 565:23, 600:21, 601:3 cousins [3] - 437:24, 438:8, 438:10 cover [10] - 477:16, 485:8, 507:5, 507:6, 507:7, 507:10, 508:16, 509:8, 509:9, 568:4 covered [2] - 579:5, 579:7 Covid [1] - 447:3</p>	<p>COVID [1] - 601:22 Cranberry [1] - 400:23 crash [1] - 520:25 create [9] - 467:3, 472:6, 472:7, 499:16, 517:5, 517:19, 518:18, 518:24, 562:17 created [7] - 443:22, 447:5, 448:15, 455:12, 467:13, 470:5, 500:24 creates [1] - 513:3 creating [1] - 446:13 credibility [9] - 533:16, 533:20, 533:21, 535:5, 536:20, 536:21, 543:4, 573:7, 573:9 credit [4] - 482:15, 486:8, 512:14, 527:9 creeping [1] - 475:23 cremate [2] - 420:23, 423:3 cries [1] - 423:17 crime [4] - 451:21, 454:17, 495:9, 495:14 crimes [2] - 496:1, 496:4 criminal [8] - 414:22, 448:3, 448:18, 528:19, 528:25, 529:25, 531:9, 532:15 critical [3] - 448:4, 493:16, 498:19 critically [2] - 491:7, 501:10 Cross [3] - 401:4, 401:9, 401:14 CROSS [3] - 415:9, 424:15, 514:10 cross [2] - 462:22, 462:24 Cross-Examination [3] - 401:4, 401:9, 401:14 CROSS- EXAMINATION [3] - 415:9, 424:15, 514:10 crossed [1] - 455:23 crosses [2] - 411:22, 423:23 cruiser [11] - 521:12, 521:15, 521:18, 568:3, 576:25, 577:2, 577:7, 577:8, 582:11, 583:2, 584:5</p>	<p>cry [3] - 410:25, 423:19 crying [3] - 410:5, 411:9, 413:8 cure [1] - 604:14 current [2] - 441:4, 446:22 curve [8] - 459:2, 459:5, 467:16, 467:17, 467:18, 487:4, 487:5, 509:17 custody [5] - 413:5, 416:6, 419:18, 419:19, 419:20 customary [1] - 451:2 cut [5] - 467:23, 480:16, 484:21, 505:11, 519:19 Cut [1] - 519:11 Cutter [2] - 604:20, 605:7 CV [6] - 442:21, 442:22, 443:2, 448:7, 541:9, 558:4 cycle [1] - 494:5</p>	<p>532:2, 533:11, 535:11, 535:13, 538:2, 541:15 daughter [3] - 414:9, 414:10, 425:17 Dave [3] - 417:21, 417:22, 417:23 Dave's [1] - 417:21 DAVID [1] - 400:9 David [1] - 542:6 day's [1] - 407:22 day-to-day [1] - 410:9 daylight [1] - 578:14 days [5] - 410:23, 422:3, 437:16, 532:12, 579:1 dead [2] - 420:13, 486:24 deadly [22] - 444:2, 451:3, 451:7, 488:18, 489:1, 489:16, 490:17, 501:17, 502:3, 502:11, 502:23, 513:14, 552:7, 552:15, 552:20, 552:21, 553:5, 555:11, 559:19, 560:16, 560:17, 568:9 deal [2] - 513:16, 602:14 dealing [3] - 461:9, 507:13, 552:14 dealt [1] - 604:8 death [38] - 406:15, 406:16, 407:19, 410:1, 410:8, 410:20, 415:23, 416:1, 417:7, 417:8, 419:13, 419:15, 421:18, 422:15, 423:13, 423:21, 424:3, 426:7, 426:15, 426:19, 426:23, 428:3, 428:18, 428:25, 431:19, 433:18, 435:13, 435:19, 435:24, 448:4, 488:11, 488:13, 548:14, 549:1, 550:16, 551:3, 551:5, 567:19 decades [1] - 448:9 deceleration [1] - 457:6 deception [1] - 497:6 decide [3] - 443:11, 562:11, 575:22</p>
D				
<p>dad [10] - 409:11, 411:1, 413:9, 413:19, 413:20, 413:22, 413:25, 423:4, 425:19, 434:14 daddy [17] - 408:24, 408:25, 409:1, 409:13, 409:15, 410:6, 410:7, 410:16, 411:8, 411:9, 412:5, 422:21, 422:24, 422:25, 423:2 damage [3] - 460:10, 460:12, 472:7 damages [2] - 403:10, 403:13 danger [2] - 530:18, 551:2 dangerous [1] - 530:24 dangled [1] - 534:15 Danny [2] - 411:15, 411:16 dark [2] - 469:17, 509:19 data [1] - 558:11 date [2] - 526:23, 565:1 dates [1] - 527:1 Daubert [7] - 532:1,</p>				

<p>decided [1] - 516:13</p> <p>decision [9] - 489:14, 489:17, 489:24, 490:8, 490:22, 520:2, 563:3, 565:7, 593:8</p> <p>decisions [1] - 487:11</p> <p>decompress [2] - 494:6, 550:7</p> <p>dedicated [2] - 445:1, 447:18</p> <p>deemed [2] - 450:24, 602:23</p> <p>deep [3] - 453:8, 497:21, 503:6</p> <p>deescalate [1] - 448:1</p> <p>defend [2] - 568:16, 568:19</p> <p>Defendant [3] - 400:10, 400:21, 527:17</p> <p>defendant [21] - 462:3, 462:5, 471:12, 473:14, 474:23, 476:17, 486:22, 488:12, 488:17, 489:10, 491:20, 494:18, 499:25, 501:25, 528:25, 591:5, 591:19, 592:1, 593:13, 597:17, 597:20</p> <p>Defendant's [2] - 602:18, 604:9</p> <p>defendant's [16] - 444:2, 451:3, 471:10, 476:8, 497:12, 499:19, 499:20, 500:3, 500:4, 500:9, 500:10, 501:17, 502:21, 513:11, 590:17, 592:4</p> <p>defendants [1] - 527:2</p> <p>defense [5] - 403:1, 403:8, 441:5, 441:6, 448:18</p> <p>defensive [3] - 445:17, 445:25, 446:5</p> <p>define [1] - 547:19</p> <p>defined [1] - 547:4</p> <p>definitely [2] - 589:5, 589:6</p> <p>definition [1] - 474:4</p> <p>definitive [1] - 448:17</p> <p>degree [1] - 451:2</p> <p>delay [1] - 584:8</p> <p>delirium [1] - 448:15</p> <p>delivered [1] - 573:13</p>	<p>delivery [2] - 553:17, 553:18</p> <p>demeanor [2] - 555:12, 555:19</p> <p>demonstrate [1] - 458:13</p> <p>demonstrates [1] - 479:3</p> <p>demonstration [1] - 457:15</p> <p>demonstrative [1] - 479:2</p> <p>DENNIS [2] - 401:12, 440:15</p> <p>Dennis [11] - 439:11, 440:12, 440:25, 441:9, 444:13, 445:11, 450:8, 454:2, 464:17, 476:15, 527:17</p> <p>dentist [1] - 431:21</p> <p>Department [8] - 445:15, 445:21, 445:24, 446:5, 446:18, 449:10, 488:8, 554:24</p> <p>department [5] - 554:25, 555:6, 558:7, 594:15, 594:17</p> <p>Department's [1] - 487:25</p> <p>dependent [1] - 543:5</p> <p>deployed [2] - 502:8, 506:10</p> <p>depo [1] - 524:14</p> <p>deposed [2] - 452:5, 464:18</p> <p>deposition [62] - 403:15, 429:20, 430:11, 430:16, 434:4, 435:2, 435:21, 435:23, 441:15, 442:24, 443:1, 451:20, 460:25, 462:6, 462:18, 506:13, 511:5, 515:9, 515:12, 515:20, 516:1, 516:9, 518:9, 531:17, 534:1, 534:11, 534:20, 538:2, 538:8, 538:14, 540:20, 540:22, 540:25, 546:11, 546:22, 547:1, 548:17, 564:23, 565:1, 566:1, 570:3, 570:5, 571:2, 579:14,</p>	<p>579:17, 579:19, 582:8, 585:4, 585:7, 585:11, 587:14, 587:17, 591:9, 591:18, 592:1, 595:18, 596:7, 597:6, 597:18, 597:21, 598:16, 598:23</p> <p>depositions [1] - 587:22</p> <p>depth [1] - 495:21</p> <p>deputies [5] - 488:7, 491:22, 501:10, 554:7, 554:9</p> <p>DEPUTY [1] - 602:9</p> <p>deputy [15] - 480:24, 483:24, 484:18, 486:8, 488:9, 490:17, 490:18, 504:11, 514:2, 524:7, 524:9, 524:11, 574:19, 579:4, 595:23</p> <p>Deputy [164] - 451:7, 451:17, 457:5, 461:16, 466:16, 466:17, 471:5, 472:8, 472:20, 472:21, 473:21, 474:17, 480:19, 481:3, 481:24, 482:10, 482:20, 482:21, 482:23, 484:9, 492:17, 492:18, 492:19, 496:17, 500:20, 502:7, 503:21, 505:8, 506:10, 506:12, 507:1, 507:18, 510:15, 511:14, 511:17, 511:24, 512:5, 512:7, 513:16, 513:17, 519:11, 521:12, 521:15, 521:19, 522:6, 526:5, 535:4, 546:15, 546:18, 547:18, 548:2, 548:9, 548:13, 548:23, 549:7, 549:10, 549:18, 550:11, 551:22, 553:25, 556:9, 556:12, 557:2, 566:9, 568:2, 569:3, 569:6, 570:9, 571:25, 572:7, 572:20, 573:3,</p>	<p>573:21, 573:24, 574:13, 574:23, 575:4, 576:24, 577:2, 578:3, 578:21, 579:9, 579:12, 579:22, 580:1, 580:5, 580:15, 580:20, 580:21, 581:1, 581:4, 581:15, 581:23, 581:25, 582:5, 582:6, 582:9, 582:10, 582:21, 582:23, 583:1, 583:2, 583:4, 583:5, 583:9, 583:10, 583:11, 583:13, 583:25, 584:4, 584:19, 585:1, 585:2, 585:4, 585:6, 585:10, 585:11, 585:18, 585:22, 585:23, 585:25, 587:5, 587:6, 587:12, 589:10, 589:17, 595:17, 595:18, 595:19, 596:6, 596:7, 596:14, 596:15, 598:6, 598:17, 598:20, 598:22, 599:2, 599:6, 599:7, 599:13, 599:15, 599:17, 601:17, 601:19, 601:22</p> <p>describe [6] - 407:12, 453:4, 492:6, 576:15, 578:2, 598:21</p> <p>described [39] - 452:23, 456:10, 467:17, 535:2, 535:4, 563:16, 567:15, 569:7, 569:11, 569:12, 569:18, 569:19, 570:9, 570:14, 571:12, 572:2, 572:8, 572:20, 573:16, 573:21, 574:10, 574:13, 575:19, 577:14, 578:3, 582:9, 582:21, 582:23, 583:1, 583:3, 583:10, 583:13, 584:1, 585:22, 588:22, 598:23, 599:7, 599:16</p> <p>describes [2] - 576:14, 585:24</p>	<p>describing [3] - 535:3, 569:23, 573:2</p> <p>description [6] - 471:23, 570:16, 571:20, 581:23, 586:11, 588:15</p> <p>designated [2] - 454:12, 517:20</p> <p>detective [1] - 446:8</p> <p>determine [7] - 461:14, 491:18, 519:21, 523:5, 558:7, 566:11, 573:7</p> <p>determined [1] - 583:24</p> <p>determining [4] - 489:10, 497:11, 568:8, 573:8</p> <p>developed [3] - 447:5, 584:9</p> <p>deviation [1] - 500:14</p> <p>device [1] - 405:3</p> <p>diagram [17] - 455:12, 456:17, 456:18, 456:20, 457:1, 457:8, 457:10, 458:23, 464:16, 464:17, 464:20, 464:24, 467:13, 470:4, 482:1, 504:21, 504:23</p> <p>diagramed [1] - 466:3</p> <p>diagrams [2] - 454:18, 491:16</p> <p>die [1] - 426:11</p> <p>died [4] - 423:24, 427:24, 432:6, 432:14</p> <p>difference [4] - 407:9, 473:14, 552:16, 580:2</p> <p>differences [2] - 507:6, 551:24</p> <p>different [27] - 449:22, 459:5, 459:6, 459:16, 460:5, 468:1, 473:17, 474:5, 496:1, 497:2, 497:13, 551:11, 551:12, 551:17, 551:18, 551:22, 562:1, 575:15, 576:8, 576:10, 576:12, 576:20, 576:21, 577:5, 594:6</p> <p>differentiate [1] - 598:15</p> <p>differently [2] - 496:25, 570:17</p> <p>difficult [6] - 412:9,</p>
--	--	--	--	--

<p>422:13, 424:11, 458:16, 459:12, 459:24 dig [1] - 503:6 dim [3] - 453:23, 479:10, 479:13 dire [1] - 450:10 Direct [3] - 401:3, 401:8, 401:13 DIRECT [3] - 405:4, 419:7, 440:20 direct [5] - 557:25, 584:24, 586:7, 587:1, 587:16 directed [1] - 597:20 direction [6] - 474:5, 483:2, 497:2, 561:10, 567:8, 567:17 directly [13] - 454:16, 457:1, 469:11, 469:16, 480:14, 502:2, 502:10, 502:22, 506:11, 508:22, 513:13, 583:19, 590:22 Director [1] - 446:20 dirt [1] - 485:10 disagree [3] - 441:3, 534:18, 547:12 discern [2] - 479:19, 520:21 discharge [5] - 483:14, 483:17, 483:18, 490:8, 569:3 discharged [6] - 465:24, 475:5, 483:10, 483:15, 529:10, 550:20 discharges [1] - 486:16 discharging [4] - 513:25, 548:15, 549:2, 549:13 disclosed [1] - 461:10 disclosing [1] - 602:6 disconnect [2] - 586:5, 587:15 discount [1] - 498:17 discovery [6] - 442:10, 442:18, 451:14, 451:23, 454:6, 455:8 discrepancies [3] - 496:10, 496:12, 594:16 discuss [8] - 419:11, 454:2, 534:3, 538:7, 538:24, 539:3, 556:7, 601:10</p>	<p>discussed [15] - 402:5, 439:5, 451:11, 461:24, 462:14, 462:17, 501:15, 502:13, 513:9, 532:10, 550:21, 556:5, 556:6, 599:11, 600:16 discussing [5] - 439:1, 477:6, 537:7, 592:13, 600:9 discussion [1] - 556:16 dismiss [2] - 528:1, 528:9 Dismuke [1] - 526:13 DISMUK [1] - 526:13 disparagingly [1] - 574:18 disprove [3] - 499:5, 499:20, 500:9 disproves [1] - 499:21 disrespected [1] - 575:8 distance [22] - 455:6, 459:12, 459:17, 460:16, 463:7, 463:8, 468:20, 469:1, 470:11, 470:21, 472:11, 474:15, 479:3, 518:5, 518:14, 518:16, 518:19, 522:7, 553:10, 553:15, 560:8 distant [1] - 422:6 distinct [2] - 458:11, 468:3 distinction [2] - 442:14, 492:7 DISTRICT [2] - 400:1, 400:2 district [1] - 540:4 District [9] - 400:13, 543:13, 543:14, 564:16, 604:21, 604:22, 605:8, 605:9 disturbance [20] - 457:18, 457:19, 458:6, 458:13, 468:2, 469:21, 470:8, 470:19, 470:22, 471:13, 472:1, 472:7, 486:7, 500:16, 500:17, 500:18, 501:1, 501:6, 588:10 ditch [6] - 469:18, 470:10, 470:11,</p>	<p>470:17, 474:15, 505:12 division [1] - 524:20 docket [3] - 526:19, 536:4, 536:7 doctor [1] - 431:21 doctors [1] - 431:17 document [4] - 500:15, 528:15, 580:17, 583:18 documentation [1] - 454:17 documented [1] - 499:4 documents [2] - 451:19, 540:10 dogs [1] - 443:24 dollars [1] - 407:22 done [28] - 448:12, 464:21, 465:11, 465:16, 466:24, 474:5, 481:20, 481:21, 487:17, 500:24, 504:21, 504:23, 514:25, 515:6, 515:8, 528:4, 531:5, 558:5, 558:12, 558:15, 559:8, 559:12, 559:25, 560:1, 561:19, 563:10, 566:4, 594:3 door [7] - 414:24, 415:1, 507:9, 509:9, 529:4, 529:15, 529:20 doors [2] - 507:15 doubt [6] - 462:8, 484:9, 487:4, 487:13, 550:15, 594:8 dovetail [1] - 579:8 down [67] - 403:1, 403:9, 403:21, 407:17, 411:17, 417:21, 418:12, 422:18, 438:17, 441:21, 441:24, 442:19, 446:2, 448:8, 449:25, 458:15, 460:3, 461:2, 462:11, 463:11, 463:12, 463:16, 463:21, 464:12, 477:15, 477:21, 480:19, 484:8, 485:2, 485:3, 485:10, 485:16, 485:17, 486:3, 486:4, 486:10,</p>	<p>486:18, 487:7, 489:7, 491:3, 491:11, 493:25, 495:5, 502:18, 504:25, 507:15, 511:20, 513:23, 514:1, 522:1, 522:4, 522:7, 522:13, 522:16, 522:18, 522:23, 525:5, 527:13, 542:22, 550:8, 562:21, 563:9, 579:6, 585:15, 600:1, 600:4 downloaded [1] - 604:5 drag [2] - 460:11, 472:2 dramatic [1] - 509:1 draw [1] - 503:15 drawing [7] - 455:11, 482:7, 516:21, 569:21, 587:24, 588:15, 593:16 drawings [1] - 455:10 drawn [1] - 457:11 drew [1] - 480:11 drive [7] - 472:22, 505:3, 508:6, 513:3, 588:11, 604:3, 604:5 driven [2] - 485:21, 504:25 driver [3] - 483:7, 510:1, 510:2 driver's [3] - 417:10, 473:5, 576:25 driveway [1] - 407:1 driving [3] - 471:2, 509:18, 581:24 drop [2] - 505:15, 588:13 drove [4] - 460:8, 471:7, 522:4, 591:11 due [5] - 405:2, 485:1, 488:14, 517:7, 574:15 DUI [1] - 446:9 during [23] - 425:15, 427:1, 427:13, 427:22, 433:17, 435:11, 437:20, 455:1, 455:9, 458:2, 462:16, 469:19, 482:12, 493:6, 493:7, 500:17, 501:16, 502:8, 513:10, 561:4, 565:5, 597:21, 603:1 Durst [30] - 400:21, 403:21, 404:6,</p>	<p>424:13, 424:22, 437:3, 438:14, 439:19, 462:19, 475:16, 478:2, 514:8, 533:12, 535:21, 537:19, 537:22, 542:11, 542:22, 544:15, 544:22, 545:2, 576:4, 590:3, 592:12, 593:5, 595:11, 596:3, 597:25, 601:14, 604:1 DURST [87] - 403:23, 424:14, 424:16, 424:24, 430:4, 430:10, 430:16, 436:3, 436:6, 438:15, 439:20, 440:1, 440:4, 450:11, 460:18, 460:22, 478:3, 478:11, 514:9, 514:11, 514:19, 514:22, 516:6, 516:8, 526:16, 526:18, 528:14, 528:17, 533:16, 533:25, 534:6, 534:10, 534:14, 534:18, 534:24, 535:23, 536:1, 536:7, 536:12, 537:23, 537:24, 539:16, 539:22, 539:24, 541:25, 542:3, 542:6, 542:12, 543:8, 543:15, 543:18, 543:22, 544:2, 544:6, 544:11, 544:17, 544:23, 545:4, 545:11, 545:12, 545:15, 545:17, 564:19, 564:21, 565:17, 565:21, 572:15, 572:16, 576:5, 576:6, 580:11, 580:13, 581:19, 581:21, 589:23, 589:25, 590:5, 595:12, 595:15, 596:4, 596:19, 598:1, 598:3, 599:22, 601:16, 604:2, 604:10 Durst.....513 [1] - 401:14 Durst.....594</p>
---	--	---	---	---

<p>[1] - 401:16 Durst.....597 [1] - 401:18 dust [2] - 492:23, 492:24 duties [3] - 445:19, 446:8, 530:22 duty [1] - 530:20 dynamic [2] - 447:20, 447:21 dynamics [1] - 473:5</p>	<p>electronically [2] - 536:2, 536:9 element [13] - 463:9, 464:7, 465:23, 467:21, 498:18, 501:2, 503:24, 518:23, 570:16, 593:1, 593:7 elements [9] - 454:14, 484:16, 490:13, 490:22, 499:8, 507:25, 556:22, 557:17, 566:14 embankment [7] - 465:14, 588:3, 588:4, 588:6, 588:8, 588:21, 589:1 embarrassment [1] - 513:2 emotional [1] - 414:5 emotionally [1] - 423:16 emphasize [1] - 530:12 employed [7] - 415:22, 428:19, 428:22, 429:1, 429:5, 429:9, 449:9 empower [1] - 493:18 empowers [1] - 518:21 enable [1] - 477:15 encountered [4] - 492:2, 492:3, 494:2, 494:3 encounters [3] - 447:20, 447:21, 493:16 encourage [1] - 415:8 end [16] - 402:5, 407:1, 441:18, 453:2, 458:19, 465:13, 473:25, 484:22, 484:24, 486:12, 519:18, 530:6, 552:17, 557:25, 594:7, 594:8 endangering [1] - 493:17 ended [3] - 471:3, 548:1, 553:21 enforcement [68] - 441:6, 444:21, 445:2, 445:5, 445:14, 446:16, 446:17, 447:1, 447:8, 447:25, 449:2, 450:9, 450:25, 466:25, 487:10, 489:15,</p>	<p>489:18, 489:25, 490:4, 492:7, 493:14, 494:8, 494:9, 495:17, 497:13, 499:10, 514:25, 519:2, 523:13, 524:1, 524:4, 524:8, 524:16, 524:18, 525:3, 525:6, 525:24, 526:5, 530:18, 530:19, 530:23, 531:25, 550:25, 552:16, 552:17, 553:25, 554:3, 554:16, 554:20, 558:21, 558:24, 560:3, 560:7, 560:14, 561:18, 561:19, 561:22, 562:2, 562:25, 563:18, 564:3, 565:6, 569:11, 575:5, 593:20, 594:9, 594:24 engage [1] - 511:2 engaged [1] - 492:11 engagement [2] - 510:22, 510:24 engine [6] - 471:24, 471:25, 507:4, 508:17, 508:25, 509:6 ensured [1] - 591:23 ensuring [1] - 575:21 enter [1] - 506:1 entered [10] - 404:11, 440:7, 469:1, 473:12, 473:21, 504:7, 583:14, 585:17, 590:23, 592:2 entering [3] - 473:18, 504:8, 590:18 Enterprise [1] - 417:20 entire [3] - 447:18, 467:4, 479:23 entirely [1] - 498:18 entirety [3] - 468:9, 499:9, 566:2 entrance [6] - 482:5, 482:9, 485:14, 491:24, 491:25, 590:22 entries [2] - 527:14, 527:19 entrusted [1] - 594:24 entry [7] - 465:12,</p>	<p>467:9, 504:9, 504:16, 504:17, 505:4, 505:17 entryway [1] - 463:15 environment [5] - 473:6, 504:15, 506:25, 563:21, 564:4 environments [1] - 490:3 equal [1] - 562:14 equipment [6] - 456:19, 505:14, 507:16, 509:25, 510:5, 512:5 erroneous [1] - 519:23 error [2] - 497:5, 604:14 especially [7] - 408:23, 422:5, 443:5, 470:20, 485:10, 578:13, 595:1 essentially [6] - 453:3, 486:24, 503:17, 505:11, 565:19, 572:23 establish [1] - 479:22 established [6] - 489:9, 502:22, 513:12, 518:17, 518:21, 563:6 estate [5] - 400:5, 419:12, 419:24, 422:9, 542:13 estimate [1] - 470:12 estimated [1] - 453:6 et [2] - 543:12, 544:12 euphemism [1] - 446:24 evaluate [11] - 445:4, 454:4, 455:6, 458:9, 464:7, 470:24, 481:18, 487:12, 490:4, 517:23, 555:11 evaluated [7] - 468:9, 488:22, 489:4, 490:10, 496:2, 517:9, 519:24 evaluating [6] - 466:12, 469:8, 486:9, 489:21, 501:11, 553:4 evaluation [6] - 463:10, 464:13, 483:25, 498:19, 525:14, 548:7 evasive [1] - 505:23 evening [3] - 420:16,</p>	<p>600:20, 604:16 event [72] - 452:15, 452:16, 452:18, 452:21, 452:22, 452:24, 454:10, 454:16, 454:19, 454:21, 454:25, 455:1, 455:4, 460:14, 460:17, 462:10, 463:6, 464:10, 464:22, 466:9, 466:13, 466:15, 466:21, 467:2, 472:14, 479:23, 480:6, 480:11, 480:15, 481:9, 481:12, 481:18, 484:22, 486:21, 487:12, 487:22, 488:19, 490:15, 490:16, 491:5, 493:19, 493:20, 494:2, 494:8, 495:4, 495:6, 496:3, 496:7, 497:14, 518:18, 548:21, 550:19, 552:3, 556:24, 558:22, 568:24, 569:10, 569:18, 569:23, 570:13, 572:7, 572:19, 575:18, 576:8, 576:11, 576:12, 576:14, 576:15, 577:13, 577:22, 581:23, 593:5 events [25] - 445:4, 446:13, 448:1, 448:6, 448:23, 461:13, 490:1, 490:15, 493:16, 499:19, 499:20, 499:23, 499:24, 500:3, 535:1, 557:1, 559:13, 571:25, 572:1, 573:1, 573:14, 573:20, 591:23, 594:9, 595:1 eventually [3] - 490:24, 512:4, 512:5 everyday [1] - 454:23 evidence [61] - 450:19, 458:19, 459:6, 460:6, 464:1, 465:18, 467:3, 469:6, 471:9, 471:13, 472:15, 474:20, 474:22, 475:1, 475:3, 475:8,</p>
<p>E</p> <p>early [2] - 403:7, 403:11 earned [1] - 407:23 earth [1] - 412:3 easier [1] - 479:12 easy [2] - 455:3, 516:10 eat [2] - 410:23, 477:1 economic [2] - 403:10, 403:13 edge [1] - 469:25 editorial [1] - 576:3 educate [1] - 516:13 educated [1] - 510:17 educating [1] - 566:1 education [6] - 444:24, 447:15, 447:17, 551:13, 558:3, 565:15 effect [8] - 409:25, 410:8, 415:2, 421:17, 421:25, 497:9, 501:5, 510:9 effectively [1] - 476:9 effort [3] - 542:24, 543:4, 543:6 efforts [4] - 449:19, 477:9, 537:11, 600:15 egress [1] - 505:11 eight [6] - 409:10, 464:25, 466:1, 504:22, 510:20, 514:1 either [17] - 426:6, 427:6, 429:5, 431:20, 431:24, 432:23, 434:17, 442:24, 452:23, 461:4, 462:21, 493:2, 497:7, 505:16, 515:12, 571:5, 602:12 elapsed [1] - 461:15 electrical [1] - 444:20 electronic [1] - 543:23</p>	<p>electronically [2] - 536:2, 536:9 element [13] - 463:9, 464:7, 465:23, 467:21, 498:18, 501:2, 503:24, 518:23, 570:16, 593:1, 593:7 elements [9] - 454:14, 484:16, 490:13, 490:22, 499:8, 507:25, 556:22, 557:17, 566:14 embankment [7] - 465:14, 588:3, 588:4, 588:6, 588:8, 588:21, 589:1 embarrassment [1] - 513:2 emotional [1] - 414:5 emotionally [1] - 423:16 emphasize [1] - 530:12 employed [7] - 415:22, 428:19, 428:22, 429:1, 429:5, 429:9, 449:9 empower [1] - 493:18 empowers [1] - 518:21 enable [1] - 477:15 encountered [4] - 492:2, 492:3, 494:2, 494:3 encounters [3] - 447:20, 447:21, 493:16 encourage [1] - 415:8 end [16] - 402:5, 407:1, 441:18, 453:2, 458:19, 465:13, 473:25, 484:22, 484:24, 486:12, 519:18, 530:6, 552:17, 557:25, 594:7, 594:8 endangering [1] - 493:17 ended [3] - 471:3, 548:1, 553:21 enforcement [68] - 441:6, 444:21, 445:2, 445:5, 445:14, 446:16, 446:17, 447:1, 447:8, 447:25, 449:2, 450:9, 450:25, 466:25, 487:10, 489:15,</p>	<p>489:18, 489:25, 490:4, 492:7, 493:14, 494:8, 494:9, 495:17, 497:13, 499:10, 514:25, 519:2, 523:13, 524:1, 524:4, 524:8, 524:16, 524:18, 525:3, 525:6, 525:24, 526:5, 530:18, 530:19, 530:23, 531:25, 550:25, 552:16, 552:17, 553:25, 554:3, 554:16, 554:20, 558:21, 558:24, 560:3, 560:7, 560:14, 561:18, 561:19, 561:22, 562:2, 562:25, 563:18, 564:3, 565:6, 569:11, 575:5, 593:20, 594:9, 594:24 engage [1] - 511:2 engaged [1] - 492:11 engagement [2] - 510:22, 510:24 engine [6] - 471:24, 471:25, 507:4, 508:17, 508:25, 509:6 ensured [1] - 591:23 ensuring [1] - 575:21 enter [1] - 506:1 entered [10] - 404:11, 440:7, 469:1, 473:12, 473:21, 504:7, 583:14, 585:17, 590:23, 592:2 entering [3] - 473:18, 504:8, 590:18 Enterprise [1] - 417:20 entire [3] - 447:18, 467:4, 479:23 entirely [1] - 498:18 entirety [3] - 468:9, 499:9, 566:2 entrance [6] - 482:5, 482:9, 485:14, 491:24, 491:25, 590:22 entries [2] - 527:14, 527:19 entrusted [1] - 594:24 entry [7] - 465:12,</p>	<p>467:9, 504:9, 504:16, 504:17, 505:4, 505:17 entryway [1] - 463:15 environment [5] - 473:6, 504:15, 506:25, 563:21, 564:4 environments [1] - 490:3 equal [1] - 562:14 equipment [6] - 456:19, 505:14, 507:16, 509:25, 510:5, 512:5 erroneous [1] - 519:23 error [2] - 497:5, 604:14 especially [7] - 408:23, 422:5, 443:5, 470:20, 485:10, 578:13, 595:1 essentially [6] - 453:3, 486:24, 503:17, 505:11, 565:19, 572:23 establish [1] - 479:22 established [6] - 489:9, 502:22, 513:12, 518:17, 518:21, 563:6 estate [5] - 400:5, 419:12, 419:24, 422:9, 542:13 estimate [1] - 470:12 estimated [1] - 453:6 et [2] - 543:12, 544:12 euphemism [1] - 446:24 evaluate [11] - 445:4, 454:4, 455:6, 458:9, 464:7, 470:24, 481:18, 487:12, 490:4, 517:23, 555:11 evaluated [7] - 468:9, 488:22, 489:4, 490:10, 496:2, 517:9, 519:24 evaluating [6] - 466:12, 469:8, 486:9, 489:21, 501:11, 553:4 evaluation [6] - 463:10, 464:13, 483:25, 498:19, 525:14, 548:7 evasive [1] - 505:23 evening [3] - 420:16,</p>	<p>600:20, 604:16 event [72] - 452:15, 452:16, 452:18, 452:21, 452:22, 452:24, 454:10, 454:16, 454:19, 454:21, 454:25, 455:1, 455:4, 460:14, 460:17, 462:10, 463:6, 464:10, 464:22, 466:9, 466:13, 466:15, 466:21, 467:2, 472:14, 479:23, 480:6, 480:11, 480:15, 481:9, 481:12, 481:18, 484:22, 486:21, 487:12, 487:22, 488:19, 490:15, 490:16, 491:5, 493:19, 493:20, 494:2, 494:8, 495:4, 495:6, 496:3, 496:7, 497:14, 518:18, 548:21, 550:19, 552:3, 556:24, 558:22, 568:24, 569:10, 569:18, 569:23, 570:13, 572:7, 572:19, 575:18, 576:8, 576:11, 576:12, 576:14, 576:15, 577:13, 577:22, 581:23, 593:5 events [25] - 445:4, 446:13, 448:1, 448:6, 448:23, 461:13, 490:1, 490:15, 493:16, 499:19, 499:20, 499:23, 499:24, 500:3, 535:1, 557:1, 559:13, 571:25, 572:1, 573:1, 573:14, 573:20, 591:23, 594:9, 595:1 eventually [3] - 490:24, 512:4, 512:5 everyday [1] - 454:23 evidence [61] - 450:19, 458:19, 459:6, 460:6, 464:1, 465:18, 467:3, 469:6, 471:9, 471:13, 472:15, 474:20, 474:22, 475:1, 475:3, 475:8,</p>

<p>476:11, 476:13, 476:15, 479:17, 479:20, 481:17, 488:16, 488:21, 491:8, 491:9, 491:18, 497:18, 498:6, 498:8, 498:14, 498:15, 498:22, 499:14, 499:17, 499:18, 499:19, 499:21, 499:22, 500:2, 500:8, 501:12, 557:18, 571:8, 572:22, 573:18, 574:1, 574:3, 574:9, 574:21, 593:19, 593:23, 594:12, 594:18, 594:23, 595:25, 596:1, 603:18</p> <p>evidences [1] - 522:6 evident [1] - 470:8 evolutions [1] - 498:9 evolving [1] - 531:1 exact [5] - 465:7, 485:3, 576:11, 587:21, 588:7 exactly [8] - 413:13, 420:10, 473:11, 480:18, 487:2, 519:11, 547:25, 586:19 EXAMINATION [12] - 405:4, 415:9, 417:2, 419:7, 424:15, 436:10, 440:20, 514:10, 590:13, 595:14, 597:2, 598:2 examination [10] - 457:25, 466:24, 500:20, 500:22, 500:24, 525:15, 584:24, 586:7, 587:1, 589:4 Examination [12] - 401:3, 401:4, 401:5, 401:8, 401:9, 401:10, 401:13, 401:14, 401:15, 401:16, 401:17, 401:18 examined [1] - 491:7 example [15] - 443:21, 452:21, 454:17, 460:8, 465:20, 472:20, 495:23, 496:15, 507:9, 508:13, 509:17, 535:9, 563:25,</p>	<p>568:11, 588:11 examples [1] - 469:20 excellent [1] - 408:11 except [1] - 412:18 exceptionally [1] - 469:5 exchange [6] - 591:21, 595:19, 596:8, 597:9, 597:17, 597:20 exchanging [1] - 597:5 excited [2] - 409:14, 448:15 exclude [8] - 531:13, 532:4, 532:21, 533:3, 533:19, 534:21, 538:3, 540:3 excluded [7] - 461:6, 532:23, 533:5, 533:7, 533:20, 535:6, 553:14 excluding [1] - 594:1 excuse [11] - 455:12, 455:16, 474:2, 480:24, 485:5, 485:15, 536:17, 536:23, 537:5, 537:6, 600:7 excused [2] - 418:7, 439:7 execute [1] - 501:25 exhibit [2] - 479:3, 604:14 Exhibit [1] - 602:18 exigent [3] - 489:2, 489:3 exist [1] - 579:9 existed [1] - 580:20 exists [2] - 582:5, 589:11 exit [7] - 473:24, 482:11, 505:17, 509:4, 509:8, 588:16, 588:20 exited [13] - 477:13, 482:10, 511:24, 511:25, 512:6, 513:4, 537:16, 577:2, 582:11, 583:2, 583:11, 584:5, 600:21 exiting [3] - 513:17, 576:24, 577:6 expect [9] - 411:5, 413:10, 468:23, 561:24, 562:25, 563:17, 565:6, 578:13, 602:11 experience [15] -</p>	<p>406:12, 412:14, 451:10, 479:20, 483:12, 502:12, 519:2, 520:24, 551:13, 551:19, 551:24, 558:3, 558:23, 559:25, 560:4 experienced [2] - 472:23, 568:15 experiences [2] - 455:1, 559:14 experiencing [2] - 414:7, 580:1 expert [36] - 439:11, 441:7, 441:20, 442:2, 442:23, 444:15, 447:13, 447:14, 448:22, 450:8, 450:14, 450:17, 450:25, 460:23, 460:24, 461:1, 461:4, 464:7, 477:20, 481:18, 500:1, 515:1, 531:6, 531:23, 532:13, 545:13, 545:18, 545:22, 545:25, 546:2, 546:5, 554:25, 555:22, 568:11 expert's [1] - 500:4 expertise [1] - 462:22 experts [1] - 441:24 explain [11] - 403:18, 406:10, 410:20, 411:3, 448:25, 452:13, 502:20, 503:15, 575:23, 593:3 explained [3] - 461:20, 520:24, 566:20 explaining [4] - 506:22, 530:15, 556:21, 593:9 explanation [1] - 550:5 explanations [1] - 500:13 Explorer [1] - 460:1 exposing [1] - 510:9 expounding [1] - 549:15 expressed [1] - 452:11 expression [1] - 568:18 extent [1] - 559:15 extra [1] - 485:23</p>	<p>extraction [1] - 506:24 extraordinary [1] - 588:8 extremely [1] - 535:14</p> <p>F</p> <p>face [5] - 447:2, 447:3, 496:22 face-to-face [2] - 447:2, 447:3 Facebook [1] - 420:11 facing [9] - 473:24, 474:8, 548:21, 551:22, 551:23, 552:2, 552:6, 589:19, 589:20 fact [22] - 426:2, 426:17, 431:6, 452:9, 493:3, 494:20, 499:3, 505:7, 506:7, 522:2, 532:19, 538:21, 547:12, 550:2, 550:10, 553:19, 557:12, 557:24, 568:17, 573:23, 577:21, 589:10 factor [1] - 568:8 factors [6] - 553:3, 553:7, 555:10, 555:18, 555:25, 560:6 facts [19] - 442:3, 442:9, 442:11, 442:13, 442:18, 443:6, 488:15, 489:22, 490:9, 490:11, 530:10, 530:16, 549:3, 549:5, 549:8, 569:13, 574:20, 574:24, 594:7 failed [1] - 513:12 failing [1] - 560:13 failure [1] - 556:18 fair [20] - 416:5, 416:8, 416:14, 435:23, 515:2, 525:21, 525:24, 550:8, 552:1, 554:8, 555:1, 556:3, 567:14, 567:17, 573:22, 578:23, 578:25, 581:16, 581:17, 583:19 fairly [1] - 566:15 faith [1] - 517:4 falls [1] - 489:13 family [9] - 412:1,</p>	<p>413:17, 414:7, 420:8, 422:1, 423:20, 436:25, 529:20, 600:12 far [13] - 407:7, 417:24, 421:10, 439:5, 465:3, 473:1, 474:21, 513:22, 539:22, 559:10, 571:4, 573:8, 586:20 fast [5] - 472:22, 496:11, 512:3, 522:24, 563:13 faster [6] - 460:11, 463:21, 468:1, 563:13, 564:9, 580:9 fastest [5] - 486:10, 513:22, 522:16, 522:19 father [16] - 408:8, 408:22, 410:21, 411:4, 420:12, 420:16, 421:7, 427:7, 427:10, 434:16, 434:20, 434:21, 434:23, 435:15, 437:5, 437:17 father's [1] - 423:13 father-in-law [4] - 420:12, 420:16, 434:20, 434:21 Faulkner [8] - 462:15, 462:17, 557:21, 557:24, 558:5, 560:1, 601:18, 601:20 Faulkner's [6] - 462:14, 500:19, 558:2, 601:24, 603:6, 603:10 fault [3] - 435:16, 495:24, 564:8 favorite [1] - 421:21 favorites [1] - 421:19 fear [23] - 490:24, 491:1, 548:25, 549:3, 549:4, 549:6, 549:7, 549:8, 551:8, 551:10, 551:11, 551:16, 568:7, 568:15, 568:18, 568:19, 568:21, 580:1, 592:14, 593:1, 593:3, 593:10 fears [1] - 592:18 feast [1] - 411:16 fed [2] - 427:18, 431:7 federal [2] - 536:3, 540:4</p>
---	---	---	---	---

fees [2] - 441:11, 605:1 feet [34] - 417:25, 453:7, 453:8, 459:15, 460:1, 463:11, 464:25, 465:11, 465:12, 465:15, 468:20, 468:21, 468:23, 468:24, 470:14, 471:6, 472:25, 473:13, 473:19, 482:6, 485:8, 487:7, 497:20, 497:21, 504:11, 504:22, 504:24, 512:4, 518:6, 582:24, 584:20, 599:9 fellow [5] - 439:2, 477:7, 537:8, 600:10, 600:11 felony [1] - 527:9 felt [1] - 556:20 female [2] - 562:5, 562:6 few [10] - 408:3, 412:21, 416:11, 423:5, 439:17, 449:3, 455:15, 499:25, 512:4, 537:20 field [12] - 441:17, 442:2, 445:20, 449:12, 450:25, 451:2, 452:17, 452:18, 461:6, 493:3, 508:2, 546:2 fields [1] - 450:16 fifth [1] - 461:22 fight [2] - 510:19 figure [8] - 470:13, 517:2, 517:3, 519:5, 519:7, 562:7, 586:16, 586:24 figured [4] - 424:1, 512:23, 519:10, 525:6 file [6] - 526:23, 528:9, 535:16, 540:9, 540:11, 541:18 filed [23] - 526:12, 527:10, 527:24, 527:25, 528:3, 528:6, 528:8, 534:13, 535:19, 535:20, 535:24, 536:2, 536:9, 536:11, 536:12, 538:17, 540:3, 540:17, 541:5,	542:17, 542:24, 543:17, 543:19 filing [1] - 543:23 fill [1] - 410:14 final [1] - 511:16 finalize [2] - 517:15, 517:17 finally [2] - 407:2, 438:21 financial [2] - 428:3, 428:15 financially [5] - 429:8, 429:13, 430:22, 431:1, 431:3 findings [1] - 480:2 fine [5] - 439:15, 498:21, 602:5, 602:9, 604:7 finger [1] - 455:21 fingers [1] - 455:23 finish [1] - 572:13 finished [3] - 603:8, 603:10, 603:18 finishing [1] - 449:12 finite [1] - 577:18 fire [2] - 507:7, 566:11 firearm [9] - 465:25, 483:11, 483:17, 483:18, 486:16, 490:8, 506:8, 548:15, 549:2 firearms [4] - 553:14, 561:20, 561:22, 563:6 fired [11] - 481:2, 481:4, 483:23, 484:13, 484:22, 513:18, 519:12, 529:13, 530:1, 548:9, 562:23 firing [1] - 560:21 first [33] - 411:7, 417:13, 421:2, 444:8, 454:3, 455:10, 455:11, 456:5, 456:25, 459:14, 459:22, 467:5, 468:18, 475:17, 491:12, 492:20, 493:10, 493:21, 508:12, 508:13, 508:18, 512:15, 514:14, 514:17, 514:23, 527:13, 562:23, 575:7, 591:1, 601:9, 602:13, 603:3, 603:9 firsthand [2] - 466:14, 548:6 fit [1] - 460:3	fits [1] - 443:12 five [7] - 409:9, 412:19, 463:15, 485:7, 537:5, 544:24, 544:25 fixed [3] - 417:23, 465:6, 465:18 Flanagan [1] - 400:22 flash [2] - 604:3, 604:4 flee [1] - 552:25 fleeing [3] - 491:19, 492:1, 586:8 flip [1] - 433:7 floors [3] - 414:1, 414:3 Florida [22] - 406:5, 415:17, 415:19, 437:22, 443:19, 444:11, 445:8, 445:16, 526:12, 533:1, 535:22, 540:3, 540:4, 542:7, 542:8, 543:13, 543:14, 553:24, 554:8, 564:17, 573:15, 575:5 flower [1] - 467:11 flowers [1] - 411:23 fluid [1] - 552:3 focus [2] - 497:8, 500:12 focused [5] - 498:16, 500:11, 501:9, 563:23, 566:22 focusing [1] - 493:22 foliage [2] - 469:17, 470:10 folks [1] - 603:16 follow [5] - 436:8, 492:23, 495:22, 509:20, 560:13 follow-up [2] - 436:8, 495:22 followed [2] - 480:15, 482:24 following [23] - 404:11, 415:5, 435:18, 439:7, 440:7, 445:22, 463:1, 478:13, 481:24, 483:18, 492:12, 493:16, 493:20, 494:24, 495:4, 495:8, 536:25, 537:17, 537:25, 545:7, 577:13, 584:8, 600:22 food [3] - 411:17, 429:18	foot [1] - 465:5 football [1] - 452:17 force [96] - 437:15, 441:5, 441:6, 441:7, 443:5, 444:2, 444:14, 444:17, 445:1, 445:2, 445:3, 445:4, 445:9, 446:10, 446:11, 446:13, 446:14, 447:7, 447:9, 447:15, 447:19, 447:20, 448:6, 448:12, 448:21, 448:23, 450:9, 450:25, 451:3, 451:7, 452:21, 454:5, 454:21, 454:25, 455:1, 455:13, 460:17, 460:23, 462:10, 466:9, 466:13, 474:23, 476:18, 480:15, 481:9, 486:21, 487:12, 487:25, 488:1, 488:6, 488:8, 488:19, 489:1, 489:12, 489:15, 489:16, 489:18, 489:19, 489:25, 490:4, 490:14, 490:18, 495:25, 496:3, 496:5, 497:11, 499:8, 499:13, 501:17, 501:19, 502:3, 502:11, 502:23, 513:14, 532:14, 534:25, 548:8, 549:3, 551:4, 551:8, 552:8, 553:5, 555:4, 555:12, 556:1, 556:21, 558:8, 558:22, 558:25, 559:13, 559:16, 559:19, 566:24, 568:9, 589:12, 589:17 Force [2] - 445:1, 448:17 forced [2] - 449:4, 490:1 Ford [1] - 460:1 foregoing [1] - 604:23 foremost [1] - 575:7 forever [1] - 577:19 forget [2] - 578:18, 588:22 forgot [1] - 578:22	form [8] - 426:22, 467:4, 473:5, 533:11, 535:17, 548:22, 574:24, 603:20 format [1] - 605:1 formed [2] - 501:9, 574:5 former [1] - 593:17 forming [15] - 451:11, 451:13, 455:7, 463:10, 464:8, 466:13, 488:2, 491:11, 498:16, 499:16, 501:14, 502:13, 502:15, 513:8, 519:25 formula [1] - 462:23 formulate [1] - 546:25 formulated [1] - 546:10 FORSYTH [2] - 400:9, 602:9 Forsyth [89] - 402:4, 451:7, 451:17, 457:5, 461:16, 462:7, 466:16, 472:8, 472:21, 480:19, 481:3, 481:24, 482:10, 482:23, 484:10, 492:18, 496:17, 500:20, 502:7, 503:21, 506:10, 507:1, 507:18, 510:15, 511:17, 511:24, 512:7, 517:7, 519:11, 519:24, 521:12, 522:6, 526:5, 535:4, 546:15, 546:18, 547:18, 548:2, 548:13, 549:7, 549:10, 549:18, 550:11, 551:22, 556:9, 557:2, 566:9, 568:2, 569:6, 570:9, 572:7, 572:20, 573:3, 573:21, 573:24, 574:13, 574:23, 575:4, 576:24, 577:2, 578:3, 579:12, 580:1, 580:15, 580:20, 581:25, 582:5, 582:10, 583:2, 583:4, 583:9, 583:11, 584:4, 585:10, 585:18, 585:22, 587:5,
--	---	---	--	--

<p>587:12, 589:10, 590:16, 595:17, 595:19, 595:23, 596:7, 601:17, 601:22, 602:5, 603:4</p> <p>Forsyth's [19] - 472:20, 473:21, 480:11, 482:20, 548:9, 548:23, 556:12, 569:4, 579:9, 579:22, 580:5, 581:4, 581:23, 585:1, 589:17, 596:15, 598:22, 599:13, 599:17</p> <p>forthcoming [1] - 601:11</p> <p>forward [34] - 404:21, 404:23, 412:22, 418:24, 443:14, 469:13, 469:14, 471:2, 471:7, 471:20, 472:23, 473:22, 473:25, 474:2, 474:8, 474:16, 474:19, 475:9, 476:14, 482:14, 482:18, 482:19, 483:10, 496:16, 496:18, 498:3, 504:19, 505:19, 505:21, 509:2, 512:1, 512:2, 583:4, 603:14</p> <p>fought [1] - 407:15</p> <p>founded [5] - 548:16, 548:19, 548:23, 549:11, 549:13</p> <p>four [8] - 409:20, 410:16, 449:11, 449:14, 496:6, 532:12, 558:13, 588:11</p> <p>four-wheel [1] - 588:11</p> <p>Fourth [1] - 489:20</p> <p>Fowler [1] - 400:22</p> <p>fractions [1] - 552:15</p> <p>frame [3] - 461:19, 461:20, 549:25</p> <p>Frank [1] - 542:14</p> <p>fraud [1] - 527:10</p> <p>free [3] - 440:2, 442:1, 477:21</p> <p>frequently [1] - 530:19</p> <p>fresh [1] - 510:23</p> <p>friction [2] - 460:11, 472:3</p> <p>Friday [1] - 408:4</p>	<p>friend [2] - 417:14, 438:4</p> <p>friends [2] - 411:13, 414:9</p> <p>front [31] - 423:18, 433:6, 455:17, 462:15, 462:25, 470:24, 473:25, 504:1, 504:2, 506:12, 507:19, 507:21, 507:23, 508:19, 508:22, 510:11, 512:9, 512:13, 512:22, 529:15, 529:20, 531:18, 563:15, 564:22, 565:25, 566:17, 567:24, 570:3, 598:13, 599:6, 601:3</p> <p>full [9] - 411:12, 415:2, 446:17, 483:13, 487:10, 494:5, 506:18, 582:18, 582:20</p> <p>full-effect [1] - 415:2</p> <p>full-time [1] - 446:17</p> <p>fully [2] - 510:25, 543:20</p> <p>fully-loaded [1] - 510:25</p> <p>funeral [8] - 411:11, 411:12, 411:15, 420:22, 421:3, 421:10, 421:17, 552:18</p> <p>fur [1] - 443:23</p> <p>furniture [1] - 414:2</p> <p>FURTHER [2] - 597:2, 598:2</p> <p>future [1] - 525:5</p>	<p>506:1, 506:4, 508:22, 508:24, 509:19, 512:5, 521:23, 521:24, 574:14, 579:16, 588:1, 588:21, 590:22, 591:6, 592:2</p> <p>Gasbarrini [6] - 543:11, 544:12, 564:15, 564:24, 571:19, 571:20</p> <p>GASBARRINI [1] - 543:12</p> <p>gear [3] - 472:18, 508:6, 593:11</p> <p>gears [2] - 493:6, 501:3</p> <p>general [2] - 468:17, 553:16</p> <p>generalization [1] - 503:25</p> <p>generalized [1] - 586:20</p> <p>generalizing [2] - 562:7, 587:9</p> <p>generally [2] - 492:12, 562:6</p> <p>generate [1] - 510:1</p> <p>gentleman [1] - 568:12</p> <p>gentlemen [9] - 404:13, 425:5, 440:9, 450:15, 453:22, 476:25, 479:12, 545:8, 600:5</p> <p>George [1] - 568:12</p> <p>get-together [1] - 411:15</p> <p>giant [1] - 498:23</p> <p>given [23] - 420:19, 442:17, 446:12, 462:3, 463:24, 486:8, 493:3, 498:11, 517:4, 519:17, 530:7, 556:24, 557:22, 562:10, 563:14, 567:6, 567:16, 569:13, 572:24, 574:5, 574:20, 589:2, 594:6</p> <p>Given [1] - 605:5</p> <p>glad [1] - 438:21</p> <p>Glasser [1] - 400:18</p> <p>gliding [1] - 471:19</p> <p>goal [5] - 537:4, 563:12, 564:6, 564:9, 566:6</p> <p>God [1] - 443:21</p> <p>good-bye [3] - 420:25,</p>	<p>423:1, 423:2</p> <p>goodness [1] - 540:6</p> <p>grab [1] - 477:1</p> <p>grade [2] - 461:22</p> <p>Graham [8] - 489:13, 489:14, 489:17, 489:22, 489:24, 490:22, 589:15, 593:2</p> <p>grand [1] - 555:3</p> <p>grandfather [1] - 437:19</p> <p>grandfather's [5] - 432:21, 434:22, 435:4, 435:9, 437:4</p> <p>grandsons [1] - 410:17</p> <p>granted [2] - 450:12, 454:24</p> <p>graph [1] - 462:15</p> <p>graphic [1] - 471:23</p> <p>grassy [1] - 472:5</p> <p>gravel [1] - 492:23</p> <p>great [15] - 404:2, 413:20, 438:21, 453:20, 455:22, 472:20, 475:13, 495:21, 532:11, 548:14, 548:25, 551:2, 551:4, 564:5, 604:7</p> <p>greater [2] - 553:12, 553:15</p> <p>greatly [1] - 571:23</p> <p>Greenbag [1] - 400:16</p> <p>grew [1] - 407:25</p> <p>grocery [1] - 595:2</p> <p>ground [31] - 456:15, 457:17, 457:19, 458:6, 458:13, 466:3, 468:2, 469:4, 469:20, 470:8, 470:18, 470:21, 470:22, 471:13, 472:1, 472:4, 472:6, 472:7, 472:23, 474:11, 485:23, 486:6, 500:16, 500:17, 500:18, 501:1, 501:6, 569:1, 588:10</p> <p>groups [4] - 449:23, 477:8, 537:9, 600:11</p> <p>grow [4] - 406:12, 408:13, 408:15, 412:14</p> <p>growing [3] - 407:12, 408:8, 412:13</p> <p>guess [13] - 427:12, 433:24, 441:19,</p>	<p>457:13, 504:16, 539:7, 542:19, 561:5, 579:1, 582:6, 587:20, 589:16, 604:10</p> <p>guessing [1] - 484:15</p> <p>guide [1] - 448:18</p> <p>guiding [1] - 489:18</p> <p>gun [7] - 444:22, 447:23, 483:1, 510:19, 554:13, 568:22</p> <p>gunfire [1] - 490:20</p> <p>guns [2] - 408:25, 409:1</p> <p>guy [2] - 408:5, 417:21</p> <p>guys [1] - 544:24</p>
H				
<p>half [9] - 415:3, 427:8, 441:13, 460:1, 470:16, 483:17, 508:22, 513:25, 514:1</p> <p>half-window [1] - 514:1</p> <p>Hamrick [4] - 417:14, 417:15, 417:16, 417:18</p> <p>hand [12] - 405:20, 430:7, 444:18, 447:23, 465:22, 468:12, 468:19, 503:12, 539:12, 540:15, 605:5</p> <p>hand-in-hand [1] - 539:12</p> <p>handed [6] - 409:2, 430:11, 503:11, 516:9, 526:19, 580:14</p> <p>handgun [3] - 444:21, 444:22, 447:23</p> <p>handing [1] - 479:2</p> <p>handled [1] - 528:5</p> <p>handles [1] - 528:12</p> <p>hands [3] - 556:10, 556:19, 557:4</p> <p>happy [1] - 443:18</p> <p>hard [8] - 407:23, 411:10, 412:7, 421:16, 422:5, 423:7, 487:11, 499:18</p> <p>hardest [1] - 422:2</p> <p>hardwood [3] - 414:1, 414:3</p> <p>harm [2] - 551:3, 551:4</p>				

<p>hate [1] - 411:2</p> <p>head [2] - 479:4, 547:5</p> <p>headaches [1] - 463:13</p> <p>heads [2] - 495:7, 602:14</p> <p>headsets [1] - 405:16</p> <p>health [1] - 602:7</p> <p>hear [17] - 402:19, 404:25, 405:1, 405:14, 405:20, 405:21, 406:2, 408:20, 415:11, 417:4, 439:16, 440:18, 462:5, 499:10, 503:21, 508:11, 517:20</p> <p>heard [24] - 414:22, 417:23, 420:1, 428:21, 429:3, 434:6, 453:1, 453:15, 456:13, 457:18, 458:2, 458:4, 458:21, 459:15, 475:6, 479:21, 488:16, 501:16, 503:23, 513:10, 542:22, 568:2, 571:7, 579:4</p> <p>hearing [13] - 405:3, 414:20, 460:20, 474:20, 479:17, 487:16, 517:8, 533:14, 536:5, 541:15, 542:25, 543:20</p> <p>hearing-assist [1] - 405:3</p> <p>heavy [2] - 505:3, 507:4</p> <p>heck [1] - 487:6</p> <p>hedge [1] - 468:11</p> <p>held [1] - 543:20</p> <p>helium [1] - 410:14</p> <p>help [8] - 413:18, 413:22, 429:8, 429:13, 431:1, 443:11, 465:23, 507:16</p> <p>helped [3] - 408:2, 428:6, 429:18</p> <p>helping [3] - 430:21, 430:24, 431:3</p> <p>hen [1] - 406:15</p> <p>hereby [2] - 602:23, 604:22</p> <p>hero [1] - 408:24</p> <p>herself [1] - 552:8</p> <p>hesitation [1] - 567:3</p> <p>hide [1] - 421:21</p>	<p>hides [2] - 507:6, 507:8</p> <p>hiding [2] - 492:4, 492:5</p> <p>high [10] - 403:6, 403:11, 493:16, 507:11, 507:12, 508:12, 508:14, 510:15, 577:13</p> <p>highest [2] - 524:8, 524:10</p> <p>highlights [1] - 445:13</p> <p>hill [1] - 410:18</p> <p>himself [3] - 568:16, 568:19, 593:17</p> <p>hindsight [3] - 490:5, 490:10, 589:20</p> <p>hired [2] - 408:4, 451:25</p> <p>hisselt [3] - 413:21, 413:24, 414:2</p> <p>history [2] - 414:22, 445:11</p> <p>hit [6] - 411:7, 445:13, 474:14, 485:21, 507:22, 512:24</p> <p>hitting [1] - 591:3</p> <p>Hogan [1] - 400:18</p> <p>hold [9] - 413:14, 445:8, 451:1, 452:10, 455:18, 502:7, 533:12, 545:22, 572:13</p> <p>holster [2] - 562:21, 563:10</p> <p>holsters [1] - 563:6</p> <p>home [15] - 411:12, 417:17, 417:19, 420:22, 421:3, 422:17, 422:21, 425:18, 425:19, 433:13, 435:10, 437:15, 529:15, 552:17, 600:12</p> <p>honest [6] - 448:7, 456:16, 548:17, 548:19, 548:23, 549:11</p> <p>honestly [4] - 421:22, 455:19, 574:17, 594:13</p> <p>honesty [2] - 443:4, 541:22</p> <p>honor [1] - 445:3</p> <p>Honor [91] - 402:9, 402:20, 402:24, 404:5, 404:8, 414:18, 414:21, 415:4, 416:20, 418:6, 418:8,</p>	<p>418:10, 418:23, 424:14, 424:23, 430:4, 436:3, 438:12, 439:11, 439:20, 439:25, 440:1, 440:4, 450:7, 450:11, 455:16, 460:18, 460:22, 461:11, 476:1, 476:20, 476:23, 478:1, 478:3, 478:19, 478:23, 503:2, 511:22, 514:9, 514:19, 516:6, 526:16, 528:14, 533:16, 534:1, 534:19, 535:7, 535:22, 536:2, 536:7, 537:23, 539:17, 542:12, 543:8, 543:13, 543:15, 543:18, 543:22, 544:4, 544:11, 544:18, 544:21, 544:23, 545:4, 545:11, 545:15, 564:19, 565:17, 572:15, 576:5, 580:11, 581:19, 589:23, 589:25, 590:5, 595:9, 595:13, 595:24, 596:20, 596:22, 598:1, 599:23, 599:25, 600:25, 601:6, 601:16, 601:21, 602:9, 602:22, 603:19, 604:2</p> <p>Honorable [1] - 400:12</p> <p>hootin' [1] - 406:15</p> <p>hope [3] - 443:24, 503:3, 508:1</p> <p>hopefully [2] - 448:1, 449:1</p> <p>horrific [1] - 490:8</p> <p>hospital [2] - 494:22, 549:17</p> <p>hour [18] - 441:13, 463:15, 463:17, 475:24, 477:18, 485:8, 485:9, 485:12, 485:15, 485:16, 486:3, 486:11, 486:18, 486:24, 513:24, 522:16, 522:18</p> <p>hours [3] - 409:21,</p>	<p>493:25, 517:12</p> <p>house [21] - 408:2, 409:17, 409:21, 409:23, 411:6, 411:15, 413:5, 414:1, 414:4, 416:18, 417:24, 432:21, 433:2, 434:18, 434:19, 434:22, 435:4, 435:9, 437:4, 529:19</p> <p>houses [1] - 427:9</p> <p>hug [1] - 422:23</p> <p>huge [1] - 510:6</p> <p>human [2] - 497:5, 593:8</p> <p>humans [1] - 562:4</p> <p>hundred [1] - 417:25</p> <p>hundreds [4] - 496:1, 496:4, 515:1, 530:19</p> <p>husband [1] - 425:25</p>	<p>482:10, 482:11, 493:20, 506:14, 506:16, 527:1, 584:7</p> <p>imminent [4] - 488:11, 488:13, 548:14, 560:7</p> <p>impact [7] - 444:19, 445:18, 448:15, 519:24, 519:25, 577:16, 577:18</p> <p>impacts [1] - 486:20</p> <p>impeachment [4] - 534:15, 542:25, 543:4, 543:5</p> <p>implementing [1] - 446:14</p> <p>implied [1] - 471:17</p> <p>implies [1] - 471:18</p> <p>important [32] - 443:3, 443:6, 454:3, 454:20, 455:14, 456:23, 457:9, 457:20, 458:15, 459:8, 459:16, 459:18, 460:13, 463:9, 463:23, 465:6, 465:22, 466:7, 467:15, 467:21, 467:25, 469:5, 470:23, 473:23, 486:1, 490:13, 492:7, 499:11, 504:6, 513:20, 548:8, 560:24</p> <p>impose [1] - 502:24</p> <p>impossibility [1] - 521:23</p> <p>impression [2] - 484:6, 567:25</p> <p>impressions [1] - 468:3</p> <p>improper [1] - 587:22</p> <p>improperly [1] - 484:17</p> <p>in-between [1] - 421:5</p> <p>in-depth [1] - 495:21</p> <p>in-person [1] - 447:11</p> <p>inaccurate [1] - 525:1</p> <p>inaudible [1] - 536:21</p> <p>inches [1] - 459:16</p> <p>incident [3] - 497:11, 548:1, 569:5</p> <p>incidents [1] - 432:2</p> <p>incline [2] - 505:13, 589:4</p> <p>include [6] - 444:21, 456:18, 466:3, 484:14, 523:15, 560:21</p>
--	--	--	--	---

<p>included ^[10] - 451:14, 454:9, 456:13, 457:23, 465:25, 480:13, 483:23, 484:3, 484:4, 569:1</p> <p>includes ^[3] - 453:9, 537:8, 600:10</p> <p>including ^[4] - 439:1, 477:7, 479:18, 541:10</p> <p>inconsistencies ^[4] - 496:22, 496:23, 497:3, 497:9</p> <p>inconsistent ^[2] - 462:3, 496:20</p> <p>incorrectly ^[1] - 486:9</p> <p>increments ^[4] - 441:13, 519:6, 520:10, 520:13</p> <p>independent ^[6] - 439:3, 452:1, 477:9, 537:10, 551:19, 600:15</p> <p>INDEX ^[1] - 401:1</p> <p>index ^[1] - 516:10</p> <p>indicate ^[2] - 474:22, 585:2</p> <p>indicated ^[18] - 457:17, 461:18, 504:8, 504:11, 506:15, 511:14, 511:16, 520:19, 521:19, 522:1, 522:13, 543:2, 558:15, 579:11, 585:6, 585:10, 585:20, 587:7</p> <p>indicates ^[3] - 504:2, 522:20, 550:14</p> <p>indication ^[1] - 504:18</p> <p>indiscernible ^[3] - 421:13, 512:18, 518:2</p> <p>individual ^[31] - 400:9, 441:6, 442:12, 443:7, 455:3, 461:18, 491:15, 493:15, 493:24, 506:7, 550:14, 550:24, 551:1, 551:20, 552:2, 552:11, 553:21, 558:21, 561:25, 562:1, 562:6, 567:5, 567:6, 567:7, 568:6, 577:9, 578:16, 587:10, 593:2</p> <p>individuals ^[10] - 454:15, 466:23, 554:4, 561:13,</p>	<p>561:17, 561:20, 561:23, 571:7, 576:21, 577:11</p> <p>individuals' ^[1] - 593:4</p> <p>induced ^[1] - 578:21</p> <p>inducing ^[3] - 577:13, 577:22, 578:17</p> <p>inference ^[1] - 536:21</p> <p>influence ^[2] - 495:12, 559:2</p> <p>influenced ^[1] - 559:15</p> <p>information ^[81] - 442:11, 442:17, 451:13, 451:14, 451:23, 451:24, 454:5, 457:22, 459:8, 459:10, 460:13, 461:5, 463:5, 465:9, 466:22, 466:23, 467:1, 472:13, 480:13, 482:1, 484:25, 485:18, 487:23, 491:7, 491:17, 495:11, 496:2, 497:17, 498:13, 498:20, 499:1, 499:5, 499:6, 499:15, 499:21, 501:10, 501:15, 502:15, 503:21, 503:22, 506:5, 513:9, 513:20, 516:20, 516:22, 516:23, 517:14, 517:24, 518:8, 518:19, 519:23, 520:1, 520:3, 520:4, 520:6, 529:22, 530:5, 535:15, 536:1, 536:8, 539:19, 542:23, 543:18, 548:3, 549:5, 551:14, 552:5, 556:25, 557:11, 559:7, 559:22, 568:24, 569:14, 572:22, 573:11, 575:9, 584:12, 586:18, 594:1, 595:1, 602:7</p> <p>initial ^[2] - 482:9, 506:11</p> <p>initiates ^[1] - 547:6</p> <p>injury ^[6] - 448:4, 488:11, 488:13, 548:14, 549:1, 567:19</p>	<p>inquiry ^[1] - 595:12</p> <p>inseparable ^[1] - 406:20</p> <p>inside ^[5] - 411:6, 486:15, 511:4, 554:18, 582:24</p> <p>Institute ^[1] - 445:1</p> <p>instruction ^[2] - 448:14</p> <p>instructions ^[4] - 438:25, 477:5, 591:25, 600:8</p> <p>instructor ^[9] - 444:16, 444:24, 445:8, 445:17, 445:18, 446:1, 446:6, 447:21, 448:16</p> <p>instructors ^[1] - 448:16</p> <p>insult ^[1] - 461:23</p> <p>intends ^[2] - 403:9, 567:19</p> <p>intent ^[2] - 434:23, 435:8</p> <p>intention ^[2] - 403:24, 568:2</p> <p>interact ^[2] - 448:1, 506:8</p> <p>Interceptor ^[1] - 460:1</p> <p>interchangeably ^[1] - 587:17</p> <p>interesting ^[1] - 514:4</p> <p>interestingly ^[1] - 495:19</p> <p>interior ^[1] - 480:13</p> <p>interject ^[2] - 475:21, 571:6</p> <p>intermediate ^[1] - 444:18</p> <p>Internal ^[1] - 446:20</p> <p>International ^[1] - 449:24</p> <p>interpersonal ^[1] - 447:25</p> <p>interpret ^[3] - 539:8, 562:10, 562:17</p> <p>interpretation ^[2] - 457:8, 593:5</p> <p>interpreted ^[1] - 457:2</p> <p>intersecting ^[1] - 482:2</p> <p>interview ^[6] - 579:22, 583:17, 586:5, 594:17, 598:6, 598:10</p> <p>interviewed ^[2] - 448:22, 594:15</p> <p>interviews ^[3] - 451:15, 451:16,</p>	<p>575:14</p> <p>introduce ^[2] - 405:6, 440:24</p> <p>introduced ^[1] - 602:25</p> <p>invade ^[1] - 573:8</p> <p>invest ^[1] - 441:14</p> <p>investigated ^[5] - 485:4, 489:4, 496:1, 496:3, 499:4</p> <p>investigating ^[4] - 448:5, 495:14, 497:4, 499:13</p> <p>investigation ^[16] - 420:5, 439:4, 448:3, 451:18, 452:1, 454:19, 455:14, 463:5, 466:24, 477:9, 496:5, 520:3, 530:15, 537:10, 600:15</p> <p>investigations ^[8] - 447:7, 447:9, 448:3, 448:5, 495:25, 520:25, 532:13, 594:25</p> <p>investigator ^[9] - 450:6, 451:25, 464:21, 465:1, 465:10, 497:7, 504:21, 516:21, 593:17</p> <p>investigator's ^[2] - 464:16, 594:1</p> <p>investigators ^[1] - 447:7</p> <p>invite ^[1] - 502:18</p> <p>involve ^[1] - 592:18</p> <p>involved ^[14] - 451:21, 454:16, 455:4, 467:2, 481:15, 490:16, 491:3, 491:5, 497:15, 510:19, 530:24, 543:7, 550:15, 559:13</p> <p>involvement ^[1] - 528:6</p> <p>involving ^[1] - 445:4</p> <p>irrelevant ^[1] - 403:12</p> <p>isolated ^[2] - 595:1, 595:3</p> <p>issue ^[15] - 404:1, 489:20, 493:8, 493:11, 493:12, 493:13, 494:16, 494:17, 495:18, 514:20, 536:19, 536:20, 543:5, 579:25, 601:21</p>	<p>issues ^[8] - 405:2, 439:4, 439:15, 462:2, 477:10, 537:11, 571:4, 600:16</p> <p>itself ^[7] - 452:2, 463:23, 464:14, 564:1, 571:18, 578:25, 603:15</p>
J				
<p>jail ^[5] - 409:11, 414:24, 415:3, 415:4, 417:13</p> <p>January ^[2] - 527:14, 527:19</p> <p>Jason ^[1] - 542:7</p> <p>Jeannette ^[1] - 419:10</p> <p>Jeep ^[85] - 457:11, 468:10, 468:13, 468:19, 468:22, 469:16, 469:17, 470:1, 470:2, 470:9, 470:11, 470:14, 470:15, 470:16, 470:24, 470:25, 471:1, 471:2, 471:4, 471:6, 471:7, 471:11, 472:5, 474:8, 474:22, 476:16, 482:13, 483:2, 483:9, 484:12, 488:14, 488:24, 492:3, 492:19, 492:21, 496:16, 503:19, 504:1, 504:8, 506:12, 508:23, 549:12, 566:10, 566:16, 566:25, 574:22, 578:2, 580:1, 581:24, 582:1, 582:9, 583:1, 583:3, 583:10, 583:13, 584:1, 585:5, 585:6, 585:17, 586:1, 586:14, 587:2, 588:4, 588:6, 588:24, 588:25, 589:3, 589:5, 590:18, 591:10, 591:11, 591:16, 592:7, 593:11, 593:12, 597:13, 597:15, 598:22, 598:23, 599:16</p> <p>Jeep's ^[4] - 470:14, 582:21, 582:23, 599:8</p>				

<p>Jill [2] - 604:20, 605:7 job [6] - 408:3, 446:8, 447:1, 497:13, 530:22, 573:6 jobs [1] - 446:22 Joetown [1] - 425:9 John [4] - 417:13, 417:15, 417:18 Johnny [3] - 526:13, 526:14, 542:14 Jontz [35] - 400:5, 406:5, 406:8, 407:2, 407:4, 407:7, 409:12, 411:7, 412:3, 412:17, 412:22, 413:5, 413:7, 413:18, 413:25, 414:1, 414:10, 417:17, 417:19, 417:20, 420:11, 420:23, 421:20, 422:2, 422:11, 423:7, 423:18, 426:16, 426:25, 428:5, 434:20, 436:19, 438:5 Jontz's [8] - 406:11, 410:18, 412:24, 417:24, 421:4, 421:9, 436:15, 437:20 Josh [4] - 529:3, 529:8, 529:18, 530:1 Judge [4] - 400:12, 400:13, 436:8, 456:1 judge [2] - 532:15 judged [1] - 589:17 judgments [1] - 490:1 Judicial [1] - 605:2 judo [1] - 447:24 July [1] - 435:23 jump [2] - 508:15, 513:4 jumped [1] - 422:21 jumping [1] - 508:10 Jupiter [2] - 445:24, 446:4 jurors [8] - 439:2, 440:5, 440:7, 477:7, 537:8, 600:10, 600:11, 601:11 jury [94] - 402:21, 403:20, 404:7, 404:9, 404:11, 405:7, 406:3, 406:10, 406:11, 408:21, 409:6, 409:25, 410:20, 411:3, 412:11,</p>	<p>413:13, 413:15, 414:20, 419:9, 420:4, 421:17, 422:14, 439:24, 440:24, 443:16, 444:12, 445:10, 446:21, 450:15, 452:13, 453:11, 453:22, 460:20, 464:4, 473:8, 477:13, 478:9, 478:12, 478:13, 479:6, 479:25, 480:2, 497:23, 502:20, 503:8, 516:14, 516:21, 518:15, 519:1, 519:4, 519:7, 520:9, 520:12, 522:5, 527:24, 533:14, 535:15, 535:16, 536:17, 536:19, 536:23, 536:24, 537:9, 537:16, 537:21, 545:5, 545:6, 546:8, 548:18, 550:22, 551:8, 555:3, 555:23, 556:17, 565:25, 566:1, 566:20, 573:8, 575:22, 579:13, 592:20, 600:5, 600:21, 601:4, 601:5, 601:25, 602:3, 602:7, 602:11, 602:12, 603:3, 603:8, 603:10, 603:13 Jury [2] - 400:12, 439:7 jury's [3] - 408:19, 575:23, 576:3 justice [1] - 558:7 justified [6] - 530:3, 548:15, 549:1, 549:12, 556:21, 556:23 justifies [2] - 549:3, 551:8 juvenile [2] - 524:16, 524:21</p>	<p>413:7, 421:25, 422:2, 436:19, 436:20 Karen [1] - 526:20 keep [7] - 455:23, 479:4, 480:20, 495:8, 495:9, 567:17, 575:9 keeps [1] - 567:8 key [5] - 458:11, 490:22, 499:8, 503:23, 508:12 kids [8] - 407:13, 412:23, 421:20, 423:20, 429:12, 429:15, 432:1, 443:24 killed [18] - 410:7, 411:21, 412:4, 412:6, 420:6, 421:7, 421:8, 444:3, 451:4, 508:3, 529:1, 529:2, 529:3, 529:8, 529:16, 530:1, 530:20, 567:3 kind [20] - 402:25, 408:1, 408:7, 409:18, 411:17, 422:7, 460:5, 475:6, 480:20, 486:6, 495:9, 505:5, 532:18, 540:24, 550:8, 553:14, 560:18, 561:2, 579:8, 588:2 kinds [2] - 427:18, 431:11 KK [3] - 422:4, 436:20, 438:2 Kleeh [1] - 400:13 knife [1] - 554:12 knowing [9] - 412:12, 412:13, 462:13, 512:16, 522:2, 522:4, 534:20, 538:16, 601:1 knowledge [8] - 441:16, 451:10, 466:14, 479:19, 502:12, 510:16, 538:16, 543:1 known [2] - 490:7, 506:5 knows [2] - 414:12, 535:12</p>	<p>ladies [7] - 404:13, 440:9, 450:15, 476:25, 479:12, 545:8, 600:5 Ladies [1] - 453:22 lady [1] - 509:18 Land [1] - 563:6 language [1] - 540:24 lapel [1] - 503:10 large [1] - 479:12 laser [1] - 456:8 last [11] - 409:11, 412:3, 412:5, 414:24, 415:19, 416:11, 433:17, 440:25, 447:3, 522:8, 538:13 lasted [1] - 516:1 laugh [1] - 406:19 law [75] - 402:10, 419:25, 420:3, 420:12, 420:16, 434:20, 434:21, 441:5, 444:21, 445:2, 445:4, 445:14, 446:17, 446:25, 447:7, 447:25, 449:2, 450:9, 450:25, 466:25, 487:10, 489:9, 489:15, 489:18, 489:25, 490:4, 492:7, 493:14, 494:8, 494:9, 495:17, 497:13, 499:10, 514:25, 519:2, 523:13, 524:1, 524:4, 524:8, 524:15, 524:18, 525:3, 525:6, 525:24, 526:5, 530:18, 530:19, 530:23, 531:24, 550:25, 552:16, 552:17, 553:24, 554:3, 554:16, 554:20, 558:21, 558:24, 560:3, 560:7, 560:13, 561:18, 561:19, 561:22, 562:1, 562:25, 563:17, 564:2, 565:6, 569:11, 575:5, 593:19, 594:9, 594:24 lawfully [1] - 419:16 lawsuit [6] - 420:5, 422:9, 526:4,</p>	<p>527:11, 527:24, 528:10 lawsuits [1] - 528:12 lawyers [2] - 535:16, 536:16 lazy [1] - 408:12 lead [5] - 445:17, 445:25, 446:5, 457:10, 496:5 leading [3] - 417:12, 427:1, 453:2 learn [1] - 409:9 learned [5] - 407:23, 479:19, 538:15, 552:10, 565:12 least [8] - 423:1, 470:16, 471:21, 494:5, 531:23, 570:1, 570:17, 579:13 leave [8] - 413:9, 413:10, 477:21, 485:24, 493:24, 500:12, 537:2, 589:7 leaves [4] - 423:17, 508:8, 510:13, 571:12 leaving [4] - 403:11, 423:25, 426:10, 530:5 led [5] - 490:24, 491:11, 499:16, 529:15, 530:6 left [49] - 403:7, 409:2, 411:18, 413:4, 426:2, 426:5, 463:4, 465:25, 467:3, 467:10, 468:12, 468:19, 468:23, 472:21, 473:13, 473:19, 480:23, 491:23, 491:25, 504:9, 505:18, 506:2, 508:6, 513:2, 521:12, 521:15, 522:9, 522:21, 522:22, 524:4, 524:5, 525:23, 538:12, 582:24, 584:20, 584:25, 585:14, 586:9, 587:3, 587:8, 587:11, 588:2, 588:22, 590:22, 591:15, 592:7, 597:14, 599:9, 603:17 left-hand [2] - 468:12, 468:19 left-handed [1] - 409:2</p>
	<p>K</p>			
	<p>Kaleb [16] - 406:20, 406:24, 407:4, 407:7, 407:9, 409:12, 410:23, 410:25, 411:24, 412:17, 413:5,</p>		<p>L</p>	
		<p>lack [2] - 481:23, 560:11</p>		

<p>Legal [1] - 400:15 legal [1] - 443:12 legally [3] - 425:1, 425:4, 425:22 legs [1] - 537:13 LeMaster [5] - 528:21, 528:24, 529:8, 529:20, 529:25 LeMaster's [2] - 529:4, 531:10 LeMasters' [1] - 553:20 length [8] - 459:17, 459:19, 459:20, 463:14, 485:17, 506:18, 518:10, 532:11 lengths [2] - 472:9, 472:10 less [8] - 444:19, 460:10, 463:21, 486:20, 504:24, 563:1, 563:10, 563:20 lethal [6] - 444:19, 474:23, 487:25, 488:6, 488:8, 489:11 lethals [1] - 561:21 letter [1] - 449:10 letters [2] - 449:7, 458:16 letting [1] - 475:23 level [5] - 448:14, 450:5, 462:22, 558:8 Levi [15] - 408:23, 409:4, 409:8, 409:11, 409:12, 410:3, 410:10, 421:6, 421:9, 422:17, 422:21, 423:8, 423:12, 425:12, 427:7 Levi's [1] - 410:3 liar [1] - 573:3 license [1] - 417:10 lieutenant [2] - 467:13, 468:4 Lieutenant [31] - 455:13, 458:5, 458:17, 458:21, 459:20, 463:8, 468:16, 470:5, 475:14, 475:18, 476:9, 481:25, 482:7, 485:19, 487:14, 494:25, 495:23, 495:24, 496:9, 503:18, 504:23, 505:7, 516:22, 520:18,</p>	<p>521:3, 521:11, 522:9, 546:25, 547:12, 580:15, 581:5 life [23] - 406:11, 410:9, 473:4, 491:1, 493:17, 494:7, 519:25, 520:25, 528:3, 549:5, 549:7, 550:7, 550:13, 550:16, 551:19, 551:24, 559:13, 559:25, 560:2, 560:3, 568:7, 568:21, 580:1 life-changing [1] - 494:7 life-threatening [1] - 550:13 light [3] - 455:16, 491:7, 589:16 lighting [1] - 504:14 lights [5] - 453:24, 476:4, 479:10, 479:13, 507:16 likely [1] - 494:7 limine [3] - 534:20, 534:23, 540:2 limit [2] - 532:4, 532:21 limited [1] - 555:2 limits [1] - 469:8 line [26] - 430:14, 433:7, 434:5, 458:8, 459:2, 468:11, 469:13, 469:14, 469:18, 469:25, 470:1, 470:2, 470:6, 470:10, 470:11, 470:17, 470:19, 474:15, 491:10, 498:4, 499:23, 530:20, 531:21, 535:8, 543:3, 570:7 linear [4] - 457:2, 458:7, 458:12, 469:25 lines [7] - 430:16, 433:8, 435:3, 457:16, 458:12, 538:8, 565:3 list [6] - 448:10, 451:23, 525:16, 525:17, 525:22, 531:23 listed [4] - 442:22, 480:7, 527:3, 528:4 lit [3] - 504:15, 509:20, 509:21 literally [4] - 410:22,</p>	<p>452:9, 459:6, 508:19 live [12] - 405:8, 411:14, 413:2, 417:10, 427:7, 427:10, 436:25, 438:2, 438:4, 443:22, 443:23, 460:9 lived [4] - 415:19, 427:8, 429:16, 438:5 lives [3] - 410:10, 434:19, 434:20 living [7] - 405:10, 415:17, 425:8, 425:12, 425:24, 429:8, 434:10 LLC [1] - 542:14 LLP [1] - 400:18 loaded [2] - 510:25 local [2] - 448:24, 449:1 locate [1] - 493:4 located [11] - 418:1, 468:22, 579:15, 580:2, 580:21, 580:22, 581:1, 581:5, 581:14, 581:15, 582:2 location [14] - 457:12, 458:19, 459:10, 465:7, 469:23, 481:8, 482:9, 499:1, 509:15, 576:19, 576:20, 582:21, 582:24, 599:8 locations [1] - 466:4 locked [1] - 566:2 lone [1] - 466:2 look [57] - 407:1, 430:12, 434:4, 435:2, 454:9, 454:24, 456:25, 457:10, 458:9, 459:22, 460:16, 463:11, 463:23, 465:2, 465:25, 466:9, 466:18, 467:25, 469:3, 469:16, 469:22, 469:24, 470:1, 470:13, 470:14, 470:15, 470:24, 474:25, 482:19, 485:18, 486:1, 497:7, 497:18, 503:17, 504:6, 518:13, 519:6, 521:24, 527:13, 532:8, 532:18, 547:20, 555:10,</p>	<p>564:22, 565:3, 566:22, 566:23, 571:12, 572:25, 581:25, 582:15, 584:6, 584:7, 598:7, 598:9, 598:15, 598:16 looked [4] - 410:5, 468:9, 488:22, 517:22 looking [29] - 412:22, 466:11, 467:5, 483:16, 493:1, 497:1, 498:3, 498:7, 498:8, 498:25, 499:8, 499:22, 503:13, 506:3, 520:2, 520:3, 520:25, 539:7, 563:24, 563:25, 578:8, 578:9, 578:12, 583:18, 586:14, 594:13, 599:5 loose [1] - 410:19 lose [2] - 408:5, 421:22 losing [1] - 414:13 loss [1] - 413:15 lost [10] - 414:9, 414:10, 492:9, 492:19, 546:17, 546:21, 547:15, 581:11, 586:12 loud [3] - 510:1, 510:7, 514:19 loudly [1] - 510:1 love [5] - 410:16, 422:24, 422:25, 424:9, 426:16 Love [61] - 451:17, 462:3, 466:17, 471:5, 473:11, 473:18, 474:17, 481:25, 482:21, 490:19, 492:18, 492:20, 494:18, 505:8, 506:12, 511:14, 511:24, 512:5, 512:10, 513:16, 513:17, 521:15, 521:19, 546:15, 546:18, 548:2, 549:18, 550:11, 573:24, 578:1, 578:21, 579:12, 580:21, 581:1, 581:15, 582:6, 582:9, 582:21, 582:23,</p>	<p>583:1, 583:5, 583:10, 583:13, 583:25, 585:2, 585:4, 585:11, 585:23, 585:25, 587:6, 591:20, 595:17, 595:18, 596:6, 596:14, 597:5, 597:12, 598:20, 599:7, 599:15, 601:19 Love's [18] - 462:6, 473:9, 473:15, 504:11, 506:15, 556:9, 556:12, 579:9, 583:9, 584:19, 585:6, 589:10, 591:14, 591:18, 598:6, 598:17, 599:2, 599:7 loved [7] - 406:18, 407:14, 408:10, 408:24, 409:1, 409:14, 413:19 lower [2] - 441:18, 459:14 luckily [1] - 504:13 lucky [1] - 513:3 lunch [4] - 475:24, 476:2, 477:2, 477:18 lunchtime [1] - 439:14 lying [13] - 422:22, 496:24, 569:23, 572:5, 573:17, 574:13, 575:1, 575:6, 575:13, 594:6, 594:20, 594:21</p>
M				
<p>ma'am [23] - 424:17, 425:3, 428:5, 428:17, 433:2, 438:17, 460:21, 519:16, 528:11, 541:7, 545:3, 549:23, 571:23, 574:15, 575:3, 583:23, 584:23, 586:18, 595:11, 598:13, 599:14, 599:18, 599:21 madam [1] - 418:13 Madam [7] - 404:23, 418:20, 418:25, 440:14, 457:15, 479:14, 503:8 magazine [3] - 510:20, 510:23, 510:24</p>				

<p>maintain [1] - 449:22</p> <p>major [2] - 448:23, 524:20</p> <p>male [2] - 562:5, 562:6</p> <p>mall [1] - 595:2</p> <p>man [7] - 529:1, 529:2, 529:3, 530:9, 530:12, 575:3, 575:25</p> <p>maneuvering [1] - 504:20</p> <p>manner [19] - 471:15, 471:16, 471:25, 476:17, 481:19, 483:10, 494:17, 506:8, 532:4, 532:22, 539:10, 539:13, 541:12, 559:2, 560:19, 567:15, 573:2, 575:19, 581:25</p> <p>Mannington [1] - 521:17</p> <p>manuals [1] - 448:14</p> <p>Marion [4] - 420:14, 425:9, 487:24, 488:7</p> <p>mark [8] - 455:21, 458:23, 485:25, 486:11, 522:9, 522:13, 522:20</p> <p>marked [2] - 458:21, 458:22</p> <p>markings [1] - 459:7</p> <p>marks [16] - 457:2, 457:3, 457:4, 457:7, 457:9, 457:10, 458:5, 460:5, 468:5, 485:20, 510:15, 520:16, 520:18, 520:22, 520:25, 522:5</p> <p>married [11] - 408:13, 408:16, 408:17, 419:16, 419:21, 425:1, 425:4, 425:22, 436:14, 436:16, 438:3</p> <p>martial [1] - 450:4</p> <p>Martin [13] - 446:7, 524:15, 526:13, 527:6, 529:4, 529:8, 529:9, 529:18, 529:19, 530:1, 554:23, 568:13, 568:22</p> <p>mask [2] - 419:5, 503:7</p> <p>match [5] - 467:2, 497:4, 497:5, 498:4, 498:13</p>	<p>matching [2] - 470:20, 470:21</p> <p>material [1] - 559:21</p> <p>materials [2] - 441:14, 588:21</p> <p>math [6] - 461:13, 461:15, 461:22, 462:24, 463:13</p> <p>mathematic [1] - 461:9</p> <p>mathematical [1] - 462:23</p> <p>matter [24] - 402:4, 403:11, 407:3, 452:5, 452:9, 459:16, 464:19, 466:16, 488:3, 488:25, 489:12, 490:14, 491:1, 505:7, 509:13, 513:8, 535:17, 538:21, 540:14, 543:10, 543:17, 582:2, 593:13</p> <p>matters [3] - 495:17, 573:12, 592:17</p> <p>maximum [2] - 472:10, 497:20</p> <p>mean [29] - 407:14, 408:24, 411:17, 413:23, 423:9, 423:10, 423:16, 434:25, 437:10, 441:25, 443:4, 461:21, 471:16, 485:4, 495:7, 496:23, 497:3, 497:19, 512:23, 521:24, 535:14, 535:15, 539:16, 550:18, 581:12, 589:12, 593:23, 594:18</p> <p>meaning [2] - 470:25, 483:14</p> <p>means [8] - 450:18, 488:20, 492:11, 506:2, 510:17, 520:20, 575:17, 575:18</p> <p>meant [2] - 431:5, 459:24</p> <p>measure [2] - 465:18, 497:21</p> <p>measured [3] - 463:8, 465:4, 470:12</p> <p>measurement [4] - 459:4, 464:25, 487:14, 518:5</p> <p>measurements [3] -</p>	<p>458:18, 459:12, 465:21</p> <p>measuring [2] - 465:7, 465:8</p> <p>mechanism [2] - 508:7, 509:12</p> <p>media [1] - 448:24</p> <p>medical [4] - 431:10, 431:15, 432:9, 481:7</p> <p>medically [1] - 493:21</p> <p>meet [8] - 407:3, 420:22, 502:9, 502:22, 513:12, 550:21, 559:17, 571:8</p> <p>meeting [2] - 435:20, 495:1</p> <p>member [1] - 450:2</p> <p>members [3] - 414:7, 495:13, 600:12</p> <p>membership [1] - 449:23</p> <p>memorandum [1] - 543:24</p> <p>memorial [4] - 411:6, 411:8, 421:4, 421:9</p> <p>memorialize [1] - 423:21</p> <p>memory [6] - 448:11, 571:3, 577:10, 577:16, 577:18, 578:16</p> <p>men [1] - 449:14</p> <p>mention [5] - 423:4, 452:3, 470:6, 597:13, 602:16</p> <p>mentioned [10] - 409:5, 450:16, 458:10, 462:21, 493:6, 493:7, 518:14, 520:15, 579:14</p> <p>mentions [1] - 462:1</p> <p>merely [2] - 500:10, 549:4</p> <p>message [1] - 520:6</p> <p>messages [1] - 410:15</p> <p>messed [2] - 407:5, 495:7</p> <p>met [6] - 420:20, 421:2, 436:18, 500:20, 500:21, 502:1</p> <p>mic [2] - 476:3, 503:10</p> <p>Micah [1] - 528:21</p> <p>Michael [1] - 543:11</p> <p>Michata [1] - 526:7</p> <p>microphone [4] - 415:8, 419:4, 440:17, 502:25</p>	<p>middle [5] - 456:6, 504:14, 529:5, 529:14, 540:3</p> <p>midmorning [1] - 438:23</p> <p>midstream [1] - 477:16</p> <p>might [10] - 432:2, 442:6, 458:6, 466:8, 484:14, 538:7, 538:24, 539:4, 551:22, 564:8</p> <p>mile [2] - 486:11, 492:20</p> <p>miles [13] - 463:15, 463:17, 485:8, 485:9, 485:12, 485:15, 485:16, 486:3, 486:18, 486:24, 513:24, 522:15, 522:18</p> <p>military [1] - 561:21</p> <p>mind [11] - 404:20, 404:22, 410:4, 440:13, 464:2, 475:23, 483:19, 503:1, 548:9, 561:1, 565:11</p> <p>mine [1] - 573:6</p> <p>minimal [1] - 507:9</p> <p>minor [1] - 529:7</p> <p>minute [7] - 405:18, 421:1, 456:18, 544:3, 557:21, 582:17, 582:18</p> <p>minutes [9] - 438:24, 439:6, 439:17, 439:21, 521:7, 537:3, 537:14, 544:24, 590:11</p> <p>mischaracterizing [1] - 595:25</p> <p>misinformation [1] - 498:11</p> <p>misinforming [1] - 586:23</p> <p>mislead [1] - 582:19</p> <p>misleading [1] - 535:14</p> <p>miss [4] - 410:16, 412:12, 602:2, 602:12</p> <p>missed [1] - 602:17</p> <p>missing [1] - 519:22</p> <p>mistake [1] - 512:19</p> <p>misunderstood [1] - 578:20</p> <p>mix [1] - 568:1</p> <p>modified [1] - 474:3</p> <p>mom [2] - 422:20,</p>	<p>429:18</p> <p>moment [19] - 406:2, 415:13, 420:6, 458:14, 459:18, 476:18, 490:7, 492:1, 492:2, 492:3, 492:14, 550:24, 551:1, 570:21, 570:22, 580:4, 589:23, 590:7, 594:3</p> <p>moments [1] - 499:25</p> <p>mommy [3] - 422:19, 422:22, 422:24</p> <p>Monday [1] - 589:20</p> <p>money [1] - 407:22</p> <p>monitor [1] - 455:19</p> <p>month [1] - 512:15</p> <p>months [1] - 417:12</p> <p>moot [2] - 553:15, 568:23</p> <p>Morgantown [6] - 400:16, 400:18, 400:19, 400:22, 400:23, 417:14</p> <p>morning [19] - 402:2, 404:14, 417:15, 424:17, 424:18, 438:19, 440:16, 440:22, 440:23, 453:13, 515:16, 589:20, 600:19, 601:9, 602:15, 603:9, 604:14, 604:15, 604:17</p> <p>most [11] - 416:18, 421:19, 441:24, 441:25, 448:3, 454:3, 462:9, 473:2, 494:6, 569:14, 602:7</p> <p>mother [4] - 413:4, 431:21, 433:3</p> <p>motion [38] - 450:12, 473:6, 527:21, 528:1, 528:3, 528:6, 528:8, 528:9, 531:13, 532:1, 532:2, 532:21, 533:2, 533:11, 533:24, 534:12, 534:22, 535:13, 535:20, 535:24, 536:2, 536:3, 536:9, 536:10, 536:12, 536:14, 538:2, 540:2, 540:17, 541:5, 541:20, 542:16, 542:23, 543:1, 543:2, 543:17, 543:23</p> <p>motions [14] - 533:17,</p>
--	---	--	---	--

533:19, 533:22,
534:20, 535:11,
535:17, 535:18,
538:2, 543:20,
544:9, 601:8,
601:10, 601:13,
603:2
motor [1] - 578:13
motorcycles [1] -
409:19
Mountain [2] - 443:18,
443:20
Mountains [1] -
443:23
mouth [3] - 510:6,
525:8, 557:8
move [14] - 426:12,
440:2, 443:14,
450:7, 463:9,
463:11, 463:24,
467:7, 468:15,
486:14, 503:15,
510:22, 511:5,
511:10
moved [8] - 414:2,
426:5, 443:20,
468:16, 483:1,
496:16, 496:18,
511:4
movement [23] -
471:11, 485:22,
487:5, 498:1,
522:14, 522:20,
562:14, 562:17,
562:18, 562:20,
562:22, 566:21,
578:10, 578:14,
582:7, 583:1, 583:3,
597:19, 597:21,
598:21, 598:23,
599:16
movements [2] -
522:21, 566:17
moving [48] - 457:6,
460:7, 471:19,
471:20, 471:21,
471:22, 472:17,
472:22, 472:24,
472:25, 473:4,
475:2, 475:4,
476:14, 482:13,
482:18, 482:19,
482:23, 483:10,
485:7, 486:13,
486:18, 488:24,
489:1, 498:2,
506:16, 511:3,
511:25, 512:10,
512:13, 512:21,
512:24, 513:1,

557:13, 561:7,
561:9, 567:8,
574:22, 581:24,
582:1, 582:10,
583:10, 583:13,
592:2, 592:6,
597:13, 603:13
MR [72] - 402:9,
402:15, 402:20,
402:24, 403:5,
404:2, 404:5, 404:8,
404:18, 405:5,
414:18, 414:21,
415:3, 415:10,
416:20, 416:24,
417:3, 418:6, 418:8,
418:10, 418:17,
418:22, 419:8,
436:8, 436:11,
438:12, 439:11,
439:13, 439:17,
439:25, 440:12,
440:21, 450:7,
450:23, 454:1,
461:11, 462:1,
462:13, 463:3,
475:25, 476:5,
476:7, 476:20,
476:23, 478:1,
478:10, 478:19,
478:23, 479:1,
479:16, 489:7,
503:2, 511:11,
511:13, 512:8,
514:6, 535:7,
535:22, 544:21,
590:10, 590:14,
595:9, 595:24,
596:22, 597:3,
597:24, 599:25,
600:25, 601:6,
602:22, 603:19,
603:25
MS [88] - 403:23,
424:14, 424:16,
424:24, 430:4,
430:10, 430:16,
430:18, 436:3,
436:6, 438:15,
439:20, 440:1,
440:4, 450:11,
460:18, 460:22,
478:3, 478:11,
514:9, 514:11,
514:19, 514:22,
516:6, 516:8,
526:16, 526:18,
528:14, 528:17,
533:16, 533:25,
534:6, 534:10,
534:14, 534:18,

534:24, 535:23,
536:1, 536:7,
536:12, 537:23,
537:24, 539:16,
539:22, 539:24,
541:25, 542:3,
542:6, 542:12,
543:8, 543:15,
543:18, 543:22,
544:2, 544:6,
544:11, 544:17,
544:23, 545:4,
545:11, 545:12,
545:15, 545:17,
564:19, 564:21,
565:17, 565:21,
572:15, 572:16,
576:5, 576:6,
580:11, 580:13,
581:19, 581:21,
589:23, 589:25,
590:5, 595:12,
595:15, 596:4,
596:19, 598:1,
598:3, 599:22,
601:16, 604:2,
604:10
mud [7] - 468:5,
485:11, 485:20,
485:21, 520:16,
520:18
muddled [1] - 584:15
multiple [6] - 436:23,
462:3, 498:1, 498:2,
572:24, 585:18
multitude [1] - 493:17
Muncie [1] - 554:1
must [3] - 466:17,
527:10, 578:20

N

name [14] - 405:8,
419:9, 425:6,
433:23, 440:25,
527:5, 527:8,
529:17, 542:9,
542:11, 544:10,
554:6, 554:9
named [3] - 417:21,
446:19, 527:7
names [1] - 482:4
nanny [2] - 406:16
narrative [2] - 456:10,
457:16
Nathan [1] - 400:21
national [2] - 448:23,
450:5
National [1] - 450:1
national-level [1] -

450:5
natural [1] - 497:5
near [1] - 557:25
nearest [1] - 463:19
necessarily [3] -
434:25, 570:16,
589:14
necessary [3] -
402:18, 488:9,
545:16
need [27] - 402:22,
421:1, 432:2,
439:15, 439:19,
439:23, 443:12,
453:23, 461:2,
464:15, 474:6,
474:9, 477:24,
478:8, 484:16,
497:3, 539:13,
539:21, 544:19,
550:7, 550:20,
561:2, 563:8, 601:4,
601:12, 603:23,
604:3
needed [3] - 429:19,
457:22, 566:11
needs [8] - 411:3,
442:14, 483:24,
484:18, 489:4,
496:2, 552:7, 563:10
negate [1] - 473:5
negative [10] - 474:24,
474:25, 475:9,
475:11, 476:9,
476:12, 495:8,
556:23, 601:25
negatively [3] -
486:20, 519:24,
519:25
negativity [1] - 496:9
negotiate [1] - 474:15
neighbors [1] - 411:13
neutral [2] - 474:22,
488:22
neutralize [1] - 560:18
neutralizing [1] -
560:21
never [46] - 410:6,
413:9, 417:23,
420:1, 422:4, 426:5,
426:13, 426:25,
428:10, 428:13,
428:14, 428:15,
431:17, 431:22,
431:24, 432:15,
432:20, 432:22,
458:10, 470:12,
484:10, 485:4,
495:24, 517:17,
519:9, 522:1,

523:12, 523:15,
523:23, 523:24,
523:25, 525:9,
525:11, 525:22,
527:7, 527:11,
528:3, 528:6, 557:6,
557:8, 558:10,
558:16, 581:14,
583:5
new [1] - 457:22
news [2] - 448:24
next [15] - 402:18,
404:17, 418:15,
418:17, 418:21,
439:10, 440:11,
459:11, 459:21,
477:18, 479:5,
480:22, 482:22,
525:18, 576:4
nice [2] - 402:13,
406:23
night [4] - 416:17,
434:21, 529:5,
529:14
nine [3] - 410:7, 421:8,
509:15
NO [1] - 400:4
Noble [7] - 543:11,
564:15, 564:23,
571:19, 573:5,
575:14, 594:14
NOBLE [1] - 543:11
noble [2] - 544:11,
571:21
nobody [1] - 499:1
non [3] - 404:1,
561:21, 575:20
non-issue [1] - 404:1
non-lethals [1] -
561:21
non-offensive [1] -
575:20
none [6] - 476:19,
547:24, 547:25,
548:4, 548:5, 550:17
nonexistent [1] -
604:13
nonexpert [1] - 450:19
nootin' [2] - 406:16
normal [1] - 454:22
normally [2] - 509:24,
519:17
NORTHERN [1] -
400:2
Northern [2] - 604:22,
605:8
note [3] - 413:4,
556:8, 604:2
noted [2] - 544:15,
583:25

<p>nothing [21] - 404:5, 404:8, 418:6, 420:15, 420:19, 420:20, 439:20, 478:1, 492:5, 494:14, 505:24, 506:6, 532:16, 532:17, 544:21, 549:17, 549:24, 550:11, 580:4, 599:25, 604:16</p> <p>notice [9] - 456:6, 456:17, 458:4, 459:1, 459:11, 464:22, 470:9, 527:17, 527:25</p> <p>notified [1] - 521:8</p> <p>number [9] - 430:14, 444:16, 459:21, 462:1, 463:19, 527:2, 531:6, 534:24, 553:2</p> <p>Number [1] - 602:18</p> <p>numbered [1] - 433:8</p> <p>numbers [3] - 463:18, 463:19, 465:21</p>	<p>572:19, 573:22, 574:7, 589:12, 592:21, 592:25, 593:14</p> <p>obligated [1] - 538:19</p> <p>obligation [2] - 420:14, 497:17</p> <p>obscured [1] - 492:5</p> <p>observation [1] - 490:6</p> <p>observations [5] - 483:3, 483:7, 486:15, 501:13, 513:7</p> <p>observed [1] - 482:13</p> <p>obstruct [1] - 508:20</p> <p>obstruction [2] - 510:4, 588:12</p> <p>obstructions [1] - 453:9</p> <p>obtain [2] - 454:14, 590:5</p> <p>obtained [1] - 461:12</p> <p>obvious [1] - 463:22</p> <p>obviously [10] - 447:2, 462:21, 462:24, 468:2, 468:10, 472:22, 558:2, 601:23, 602:1, 603:11</p> <p>OC [2] - 444:19, 448:16</p> <p>occupant [2] - 483:4, 483:7</p> <p>occur [2] - 510:24, 563:1</p> <p>occurred [7] - 462:4, 486:21, 573:15, 573:20, 576:15, 578:22, 581:23</p> <p>occurring [3] - 574:13, 577:23, 578:19</p> <p>OF [1] - 400:2</p> <p>offender [2] - 524:16, 524:21</p> <p>offensive [1] - 575:20</p> <p>offer [2] - 532:16, 532:17</p> <p>offered [1] - 428:14</p> <p>Office [3] - 446:7, 524:15, 527:6</p> <p>office [4] - 435:20, 527:11, 528:5, 528:12</p> <p>officer [49] - 444:9, 444:10, 445:8, 445:20, 449:6, 454:25, 455:1, 465:24, 487:13,</p>	<p>490:7, 490:18, 493:23, 494:9, 502:1, 502:9, 502:22, 507:3, 508:1, 512:16, 513:12, 521:18, 530:23, 535:2, 535:23, 548:12, 548:20, 551:1, 552:16, 553:7, 553:10, 553:12, 555:19, 560:7, 560:9, 560:16, 562:2, 562:5, 563:8, 563:18, 564:8, 565:6, 567:2, 569:11, 574:19, 589:18, 592:21, 592:25, 594:5, 594:9</p> <p>Officer [2] - 480:11, 571:20</p> <p>officer's [2] - 552:18, 560:14</p> <p>officers [37] - 448:21, 449:15, 450:9, 467:17, 487:10, 490:15, 490:23, 492:8, 493:8, 500:14, 512:14, 524:1, 530:18, 530:19, 530:23, 550:15, 552:24, 553:25, 554:3, 554:16, 554:21, 558:21, 558:25, 559:13, 559:18, 561:18, 562:25, 563:2, 572:4, 573:4, 573:15, 573:16, 575:5, 592:18, 593:3, 593:20, 595:6</p> <p>Official [2] - 604:21, 605:8</p> <p>official [2] - 400:9, 602:20</p> <p>officially [1] - 602:16</p> <p>often [5] - 409:23, 421:23, 437:11, 499:10, 535:17</p> <p>old [10] - 409:9, 409:10, 410:7, 412:17, 413:21, 413:22, 414:4, 421:6, 436:18, 456:4</p> <p>oldest [1] - 408:23</p> <p>omitted [1] - 597:19</p> <p>once [10] - 446:18, 449:15, 482:8, 484:3, 509:2, 522:17, 525:6,</p>	<p>526:6, 577:8, 603:17</p> <p>one [115] - 403:14, 407:4, 407:19, 407:20, 408:3, 408:23, 409:19, 410:2, 410:4, 412:21, 414:9, 423:22, 423:25, 426:9, 427:14, 427:22, 427:24, 431:6, 431:14, 432:8, 446:10, 449:8, 453:5, 454:3, 455:10, 455:18, 456:25, 457:20, 458:14, 459:14, 464:16, 464:20, 466:11, 467:15, 467:22, 469:11, 470:3, 470:4, 477:18, 485:6, 485:10, 490:13, 490:21, 491:16, 494:5, 495:10, 496:20, 498:11, 501:2, 501:4, 503:11, 503:12, 505:6, 511:2, 515:15, 517:25, 518:17, 519:19, 520:15, 521:3, 522:8, 527:14, 528:20, 531:15, 531:16, 531:21, 532:10, 532:11, 532:20, 533:4, 533:6, 534:5, 534:24, 537:25, 541:22, 543:8, 544:3, 546:14, 546:24, 549:5, 551:8, 553:7, 555:10, 557:15, 557:16, 558:17, 560:23, 562:21, 563:9, 566:7, 569:17, 570:12, 572:6, 572:10, 572:17, 573:25, 576:1, 576:19, 578:5, 578:9, 578:12, 579:11, 582:17, 585:20, 585:21, 592:12, 593:24, 594:3, 595:12, 601:15, 601:21, 602:16</p> <p>ones [3] - 409:20, 449:9, 466:18</p> <p>online [8] - 447:5, 447:6, 447:8,</p>	<p>447:12, 541:9, 558:13, 559:6, 559:19</p> <p>open [24] - 402:1, 404:12, 415:6, 439:7, 440:8, 443:4, 444:18, 447:23, 463:2, 468:12, 478:14, 506:2, 507:9, 507:15, 508:8, 510:12, 510:14, 511:8, 529:20, 537:1, 537:17, 545:7, 567:24, 600:22</p> <p>opened [2] - 414:24, 414:25</p> <p>opening [7] - 468:12, 468:18, 508:21, 579:1, 591:15, 592:6, 597:14</p> <p>operator [1] - 507:24</p> <p>opinion [81] - 441:21, 442:13, 442:15, 442:17, 442:19, 442:25, 443:1, 443:15, 444:1, 444:6, 444:7, 451:1, 451:6, 451:7, 451:9, 451:13, 452:5, 462:7, 462:24, 463:10, 464:8, 464:18, 466:7, 466:13, 467:4, 467:15, 475:19, 481:13, 484:17, 487:18, 487:23, 488:2, 488:15, 488:18, 491:12, 497:10, 498:16, 500:4, 500:6, 500:11, 501:14, 501:16, 501:23, 501:24, 502:5, 502:6, 502:7, 502:13, 502:16, 513:8, 513:11, 518:2, 520:1, 520:7, 520:20, 530:6, 534:25, 546:10, 556:22, 557:11, 568:15, 568:23, 569:2, 569:3, 569:5, 569:9, 569:22, 570:8, 570:12, 571:19, 571:24, 572:9, 572:18, 572:21, 574:6, 574:22, 574:24, 592:9, 594:6</p>
O				
<p>o'clock [1] - 466:1</p> <p>O-r-r [1] - 569:17</p> <p>oath [10] - 429:21, 430:1, 431:2, 433:15, 478:21, 514:17, 514:23, 515:13, 533:18, 534:7</p> <p>object [6] - 506:19, 507:4, 509:7, 535:7, 595:24</p> <p>objection [13] - 402:6, 450:10, 450:11, 450:13, 462:19, 462:25, 542:20, 542:21, 544:15, 602:19, 602:22, 602:25</p> <p>objective [7] - 498:15, 498:25, 499:17, 499:18, 500:2, 500:8, 574:8</p> <p>objectively [24] - 444:3, 451:4, 451:8, 488:19, 491:13, 497:11, 501:18, 501:19, 530:8, 530:10, 530:14, 534:25, 548:11, 549:9, 551:3, 557:12, 569:4,</p>	<p>572:19, 573:22, 574:7, 589:12, 592:21, 592:25, 593:14</p> <p>obligated [1] - 538:19</p> <p>obligation [2] - 420:14, 497:17</p> <p>obscured [1] - 492:5</p> <p>observation [1] - 490:6</p> <p>observations [5] - 483:3, 483:7, 486:15, 501:13, 513:7</p> <p>observed [1] - 482:13</p> <p>obstruct [1] - 508:20</p> <p>obstruction [2] - 510:4, 588:12</p> <p>obstructions [1] - 453:9</p> <p>obtain [2] - 454:14, 590:5</p> <p>obtained [1] - 461:12</p> <p>obvious [1] - 463:22</p> <p>obviously [10] - 447:2, 462:21, 462:24, 468:2, 468:10, 472:22, 558:2, 601:23, 602:1, 603:11</p> <p>OC [2] - 444:19, 448:16</p> <p>occupant [2] - 483:4, 483:7</p> <p>occur [2] - 510:24, 563:1</p> <p>occurred [7] - 462:4, 486:21, 573:15, 573:20, 576:15, 578:22, 581:23</p> <p>occurring [3] - 574:13, 577:23, 578:19</p> <p>OF [1] - 400:2</p> <p>offender [2] - 524:16, 524:21</p> <p>offensive [1] - 575:20</p> <p>offer [2] - 532:16, 532:17</p> <p>offered [1] - 428:14</p> <p>Office [3] - 446:7, 524:15, 527:6</p> <p>office [4] - 435:20, 527:11, 528:5, 528:12</p> <p>officer [49] - 444:9, 444:10, 445:8, 445:20, 449:6, 454:25, 455:1, 465:24, 487:13,</p>	<p>490:7, 490:18, 493:23, 494:9, 502:1, 502:9, 502:22, 507:3, 508:1, 512:16, 513:12, 521:18, 530:23, 535:2, 535:23, 548:12, 548:20, 551:1, 552:16, 553:7, 553:10, 553:12, 555:19, 560:7, 560:9, 560:16, 562:2, 562:5, 563:8, 563:18, 564:8, 565:6, 567:2, 569:11, 574:19, 589:18, 592:21, 592:25, 594:5, 594:9</p> <p>Officer [2] - 480:11, 571:20</p> <p>officer's [2] - 552:18, 560:14</p> <p>officers [37] - 448:21, 449:15, 450:9, 467:17, 487:10, 490:15, 490:23, 492:8, 493:8, 500:14, 512:14, 524:1, 530:18, 530:19, 530:23, 550:15, 552:24, 553:25, 554:3, 554:16, 554:21, 558:21, 558:25, 559:13, 559:18, 561:18, 562:25, 563:2, 572:4, 573:4, 573:15, 573:16, 575:5, 592:18, 593:3, 593:20, 595:6</p> <p>Official [2] - 604:21, 605:8</p> <p>official [2] - 400:9, 602:20</p> <p>officially [1] - 602:16</p> <p>often [5] - 409:23, 421:23, 437:11, 499:10, 535:17</p> <p>old [10] - 409:9, 409:10, 410:7, 412:17, 413:21, 413:22, 414:4, 421:6, 436:18, 456:4</p> <p>oldest [1] - 408:23</p> <p>omitted [1] - 597:19</p> <p>once [10] - 446:18, 449:15, 482:8, 484:3, 509:2, 522:17, 525:6,</p>	<p>526:6, 577:8, 603:17</p> <p>one [115] - 403:14, 407:4, 407:19, 407:20, 408:3, 408:23, 409:19, 410:2, 410:4, 412:21, 414:9, 423:22, 423:25, 426:9, 427:14, 427:22, 427:24, 431:6, 431:14, 432:8, 446:10, 449:8, 453:5, 454:3, 455:10, 455:18, 456:25, 457:20, 458:14, 459:14, 464:16, 464:20, 466:11, 467:15, 467:22, 469:11, 470:3, 470:4, 477:18, 485:6, 485:10, 490:13, 490:21, 491:16, 494:5, 495:10, 496:20, 498:11, 501:2, 501:4, 503:11, 503:12, 505:6, 511:2, 515:15, 517:25, 518:17, 519:19, 520:15, 521:3, 522:8, 527:14, 528:20, 531:15, 531:16, 531:21, 532:10, 532:11, 532:20, 533:4, 533:6, 534:5, 534:24, 537:25, 541:22, 543:8, 544:3, 546:14, 546:24, 549:5, 551:8, 553:7, 555:10, 557:15, 557:16, 558:17, 560:23, 562:21, 563:9, 566:7, 569:17, 570:12, 572:6, 572:10, 572:17, 573:25, 576:1, 576:19, 578:5, 578:9, 578:12, 579:11, 582:17, 585:20, 585:21, 592:12, 593:24, 594:3, 595:12, 601:15, 601:21, 602:16</p> <p>ones [3] - 409:20, 449:9, 466:18</p> <p>online [8] - 447:5, 447:6, 447:8,</p>	<p>447:12, 541:9, 558:13, 559:6, 559:19</p> <p>open [24] - 402:1, 404:12, 415:6, 439:7, 440:8, 443:4, 444:18, 447:23, 463:2, 468:12, 478:14, 506:2, 507:9, 507:15, 508:8, 510:12, 510:14, 511:8, 529:20, 537:1, 537:17, 545:7, 567:24, 600:22</p> <p>opened [2] - 414:24, 414:25</p> <p>opening [7] - 468:12, 468:18, 508:21, 579:1, 591:15, 592:6, 597:14</p> <p>operator [1] - 507:24</p> <p>opinion [81] - 441:21, 442:13, 442:15, 442:17, 442:19, 442:25, 443:1, 443:15, 444:1, 444:6, 444:7, 451:1, 451:6, 451:7, 451:9, 451:13, 452:5, 462:7, 462:24, 463:10, 464:8, 464:18, 466:7, 466:13, 467:4, 467:15, 475:19, 481:13, 484:17, 487:18, 487:23, 488:2, 488:15, 488:18, 491:12, 497:10, 498:16, 500:4, 500:6, 500:11, 501:14, 501:16, 501:23, 501:24, 502:5, 502:6, 502:7, 502:13, 502:16, 513:8, 513:11, 518:2, 520:1, 520:7, 520:20, 530:6, 534:25, 546:10, 556:22, 557:11, 568:15, 568:23, 569:2, 569:3, 569:5, 569:9, 569:22, 570:8, 570:12, 571:19, 571:24, 572:9, 572:18, 572:21, 574:6, 574:22, 574:24, 592:9, 594:6</p>

<p>opinions [26] - 450:19, 450:20, 451:11, 452:8, 452:10, 455:7, 499:16, 501:9, 517:16, 517:17, 517:25, 542:17, 544:9, 546:25, 555:8, 556:8, 556:16, 557:18, 557:22, 569:17, 570:13, 572:6, 574:5, 575:11, 584:14, 594:7</p> <p>opportunity [17] - 408:15, 408:20, 445:16, 446:15, 452:4, 454:11, 466:21, 479:23, 481:15, 487:9, 494:6, 495:15, 500:3, 517:20, 559:17, 565:15, 571:12</p> <p>opposing [1] - 533:9</p> <p>opposition [1] - 543:2</p> <p>option [1] - 555:23</p> <p>options [1] - 560:23</p> <p>oral [1] - 525:14</p> <p>oranges [1] - 568:1</p> <p>order [8] - 415:2, 517:1, 517:15, 517:22, 518:16, 519:7, 519:20, 519:21</p> <p>orders [1] - 560:14</p> <p>organization [1] - 450:4</p> <p>organizations [1] - 449:20</p> <p>original [3] - 529:12, 529:13, 584:7</p> <p>originally [4] - 443:19, 447:2, 506:14, 587:12</p> <p>Orlando [2] - 542:7, 542:8</p> <p>Orr [9] - 569:16, 569:21, 570:12, 570:19, 570:23, 570:25, 571:14, 571:16, 571:17</p> <p>otherwise [2] - 474:14, 555:23</p> <p>outcome [2] - 558:11, 559:3</p> <p>outdoor [1] - 563:21</p> <p>outlets [1] - 448:24</p> <p>outset [1] - 419:11</p> <p>outside [12] - 414:20,</p>	<p>460:20, 467:9, 477:17, 497:14, 533:14, 536:24, 537:9, 537:20, 538:16, 577:8, 603:12</p> <p>over-brush [1] - 460:4</p> <p>overall [4] - 480:6, 480:11, 584:14, 601:15</p> <p>overgrowth [2] - 485:11, 589:2</p> <p>overnight [1] - 416:9</p> <p>overruled [2] - 462:25, 596:2</p> <p>oversimplifying [1] - 566:13</p> <p>own [9] - 407:21, 408:10, 435:15, 448:17, 449:13, 477:18, 512:11, 559:9</p>	<p>432:17</p> <p>parents [2] - 411:5, 413:19</p> <p>park [1] - 512:2</p> <p>parked [9] - 491:23, 504:8, 584:25, 585:14, 585:19, 586:9, 587:2, 587:12, 591:11</p> <p>Parked [1] - 590:18</p> <p>Parker [3] - 402:6, 402:11, 402:13</p> <p>Parrish [2] - 482:3, 482:4</p> <p>part [23] - 446:17, 449:19, 461:4, 466:12, 480:15, 494:15, 507:1, 530:22, 538:12, 538:18, 538:22, 540:8, 550:5, 550:9, 554:14, 561:3, 579:11, 580:19, 583:8, 601:19, 602:24, 604:12</p> <p>part-time [1] - 446:17</p> <p>partially [1] - 510:25</p> <p>partially-loaded [1] - 510:25</p> <p>participate [2] - 490:20, 525:13</p> <p>participated [2] - 452:23, 558:13</p> <p>participation [2] - 449:18, 543:1</p> <p>particular [8] - 466:16, 467:16, 490:14, 540:13, 551:14, 558:8, 571:18, 573:12</p> <p>particularly [1] - 477:19</p> <p>parties [6] - 451:21, 466:14, 472:13, 543:6, 569:19, 570:14</p> <p>partly [1] - 515:16</p> <p>partner [1] - 512:18</p> <p>pass [2] - 476:3, 492:21</p> <p>passed [1] - 468:5</p> <p>passenger [4] - 470:25, 483:20, 484:12, 577:3</p> <p>passing [1] - 427:2</p> <p>passionate [1] - 491:4</p> <p>past [2] - 414:22, 565:16</p> <p>path [5] - 459:5, 491:11, 522:7,</p>	<p>522:13, 545:23</p> <p>pathologist [1] - 575:16</p> <p>patience [2] - 404:15, 600:18</p> <p>patrol [18] - 445:19, 446:9, 468:11, 503:20, 504:2, 504:19, 504:24, 505:19, 506:4, 507:3, 512:1, 512:2, 512:4, 513:2, 522:22, 524:23, 578:7, 583:5</p> <p>Paul [3] - 542:6, 542:7</p> <p>pause [5] - 418:25, 482:12, 482:13, 484:4, 486:13</p> <p>paused [2] - 484:5, 484:7</p> <p>pausing [2] - 404:23, 440:14</p> <p>pay [1] - 429:16</p> <p>paycheck [1] - 408:4</p> <p>pending [2] - 402:6, 430:9</p> <p>people [28] - 406:19, 408:3, 411:12, 421:19, 448:1, 452:23, 454:18, 455:2, 467:2, 481:15, 493:17, 494:7, 495:4, 495:6, 495:14, 499:6, 552:24, 558:23, 561:15, 570:16, 571:2, 571:6, 575:12, 575:21, 576:10, 595:3</p> <p>people's [2] - 554:6, 592:13</p> <p>pepper [1] - 444:20</p> <p>per [3] - 407:22, 441:13, 483:15</p> <p>perceive [4] - 563:2, 563:18, 565:6, 566:10</p> <p>perceived [2] - 466:19, 589:9</p> <p>perceiving [1] - 582:1</p> <p>percent [2] - 500:11, 500:12</p> <p>perception [15] - 487:22, 548:8, 548:11, 548:13, 548:16, 548:17, 548:19, 548:22, 548:23, 548:24, 549:11, 549:14, 565:12, 576:8, 602:1</p>	<p>perfectly [1] - 485:24</p> <p>performance [19] - 452:13, 452:14, 452:15, 452:17, 452:21, 452:25, 453:1, 453:9, 454:9, 466:4, 466:18, 466:20, 468:7, 469:8, 481:14, 497:20, 498:4, 515:17, 516:12</p> <p>performed [1] - 454:19</p> <p>peril [1] - 548:14</p> <p>period [7] - 427:13, 427:22, 454:12, 494:4, 564:7, 566:18, 577:19</p> <p>periods [1] - 454:24</p> <p>Perkins [1] - 542:7</p> <p>permission [1] - 600:11</p> <p>permitted [3] - 450:18, 450:20, 488:8</p> <p>perpendicular [1] - 458:7</p> <p>Perry [1] - 554:4</p> <p>person [28] - 441:21, 441:22, 442:20, 443:12, 447:11, 454:21, 493:20, 494:8, 495:10, 495:11, 501:3, 508:12, 508:13, 508:18, 509:14, 532:16, 550:25, 552:6, 560:17, 567:9, 567:18, 567:25, 576:14, 576:15, 576:19, 576:20, 577:22, 578:18</p> <p>person's [4] - 576:16, 577:14, 577:16, 577:18</p> <p>Personal [1] - 400:5</p> <p>personal [2] - 542:13, 602:6</p> <p>personally [2] - 494:2, 558:12</p> <p>personnel [3] - 491:2, 491:5, 497:15</p> <p>perspective [7] - 402:23, 488:22, 496:24, 496:25, 565:14, 577:6, 589:18</p> <p>Philip [40] - 400:5, 403:5, 406:7, 406:8, 407:10, 407:25,</p>
--	---	--	---	---

P

p.m [11] - 477:13, 478:7, 480:7, 516:2, 537:16, 545:1, 545:6, 600:21, 604:18

PA [2] - 509:25, 510:9

pace [2] - 473:3, 512:3

page [22] - 430:14, 430:16, 433:7, 434:5, 435:3, 527:13, 531:19, 531:21, 532:8, 532:18, 538:8, 564:22, 565:3, 570:5, 570:10, 581:7, 581:9, 582:15, 585:7, 599:2, 599:7, 599:10

pages [3] - 516:2, 516:11, 517:13

paid [4] - 407:21, 429:15, 441:9, 554:25

pair [1] - 436:16

pairing [1] - 470:5

Palm [1] - 446:18

papers [1] - 420:23

paragraph [3] - 582:18, 582:19, 582:20

paraphrasing [1] - 501:5

pardon [2] - 408:14, 412:8

parent [2] - 432:15,

<p>408:7, 409:3, 409:6, 409:17, 410:2, 411:7, 412:13, 413:10, 415:22, 415:25, 416:6, 416:8, 416:10, 416:14, 416:15, 417:6, 417:7, 419:13, 420:19, 421:6, 421:8, 422:18, 423:6, 424:8, 425:12, 425:22, 427:6, 429:4, 432:3, 432:8, 432:22, 435:14, 444:3, 451:4</p> <p>Philip's [8] - 408:21, 409:25, 410:21, 419:24, 421:11, 422:15, 423:21, 437:18</p> <p>phone [4] - 426:25, 432:23, 433:3, 442:1</p> <p>phonetic [6] - 526:7, 528:22, 553:25, 554:1, 554:4, 554:5</p> <p>photograph [10] - 467:25, 468:9, 469:3, 469:14, 470:21, 474:12, 520:16, 521:2, 521:12, 522:10</p> <p>photographs [10] - 451:21, 454:18, 456:14, 458:11, 458:12, 464:3, 472:24, 485:19, 491:16, 602:19</p> <p>photos [6] - 453:5, 453:16, 471:10, 473:8, 473:9, 473:11</p> <p>physical [26] - 464:1, 467:3, 469:5, 471:13, 472:14, 475:3, 481:17, 488:21, 491:8, 491:9, 497:18, 498:6, 498:8, 498:13, 498:15, 498:22, 499:18, 499:22, 500:2, 500:8, 501:11, 557:18, 571:8, 573:25, 574:3, 574:21</p> <p>physically [1] - 490:19</p> <p>physiological [3] - 493:18, 493:21, 577:15</p> <p>pick [5] - 509:14,</p>	<p>509:15, 525:17, 557:15</p> <p>picked [3] - 407:4, 586:20</p> <p>picture [6] - 464:1, 464:11, 467:4, 467:6, 468:4, 499:15</p> <p>pictures [8] - 456:18, 464:5, 465:15, 466:5, 467:5, 470:13, 471:8, 506:1</p> <p>piece [8] - 466:11, 469:5, 491:16, 513:20, 518:17, 559:6, 593:18, 593:23</p> <p>pieces [3] - 467:22, 519:20, 519:22</p> <p>pipe [10] - 456:14, 456:22, 466:2, 469:4, 470:1, 474:11, 474:14, 474:15, 504:4, 588:21</p> <p>pipng [2] - 465:17, 504:3</p> <p>place [27] - 408:25, 425:9, 445:6, 452:16, 452:19, 452:22, 454:10, 454:12, 458:24, 463:6, 464:9, 466:20, 466:22, 479:23, 481:5, 481:10, 486:20, 487:6, 489:5, 498:5, 513:18, 522:3, 538:15, 548:9, 566:14, 571:21, 578:8</p> <p>placed [3] - 530:18, 539:1, 559:18</p> <p>placement [3] - 458:8, 469:10, 475:4</p> <p>places [1] - 551:2</p> <p>placing [1] - 524:21</p> <p>plaintiff [10] - 404:18, 418:22, 440:12, 527:2, 531:12, 531:24, 541:25, 601:11, 602:17, 603:5</p> <p>Plaintiff [2] - 400:7, 400:15</p> <p>plaintiff's [7] - 402:22, 543:25, 544:3, 544:6, 601:17, 602:24, 603:1</p> <p>PLAINTIFF'S [3] - 404:19, 419:2,</p>	<p>440:15</p> <p>plan [1] - 402:4</p> <p>planning [4] - 590:8, 600:23, 603:7, 603:13</p> <p>play [5] - 408:25, 409:8, 409:9, 409:12, 409:13</p> <p>played [3] - 406:21, 406:23, 520:12</p> <p>playing [4] - 409:5, 409:6, 409:15, 410:4</p> <p>pleasant [2] - 600:20, 604:16</p> <p>plenty [1] - 520:3</p> <p>PLLC [2] - 400:15, 400:22</p> <p>plumbing [1] - 465:17</p> <p>plural [1] - 585:16</p> <p>plus [1] - 488:25</p> <p>Poe [1] - 400:22</p> <p>point [71] - 404:16, 405:16, 426:6, 426:14, 427:5, 427:10, 427:23, 432:3, 434:11, 435:13, 435:25, 439:19, 455:15, 456:11, 457:17, 458:11, 458:17, 461:8, 462:25, 465:8, 465:12, 467:9, 467:11, 467:14, 469:16, 474:3, 474:4, 474:6, 474:9, 475:22, 476:19, 476:25, 477:4, 477:25, 485:13, 493:25, 496:19, 497:8, 498:2, 504:9, 504:18, 504:24, 505:4, 505:10, 505:17, 517:10, 519:11, 529:21, 530:2, 537:13, 539:5, 544:20, 546:10, 553:15, 568:23, 578:2, 578:22, 582:10, 582:20, 583:11, 586:25, 588:16, 588:19, 588:20, 589:25, 591:3, 592:1, 600:7, 603:23</p> <p>pointed [4] - 458:5, 471:1, 581:3, 593:5</p> <p>pointer [1] - 469:22</p> <p>pointing [2] - 474:1, 483:1</p>	<p>points [3] - 465:6, 465:18, 505:11</p> <p>Police [16] - 445:15, 445:20, 445:24, 446:5, 446:18, 449:9, 449:24, 451:18, 460:1, 523:16, 523:21, 523:23, 547:4, 547:13, 547:19, 547:23</p> <p>police [28] - 420:13, 444:9, 445:7, 449:6, 509:11, 512:16, 521:17, 523:19, 547:8, 552:23, 553:10, 560:16, 562:5, 570:24, 570:25, 573:4, 589:18, 592:18, 593:22, 593:25, 594:12, 594:15, 594:16, 594:18, 594:19, 595:20</p> <p>policing [1] - 449:19</p> <p>policy [8] - 487:25, 488:2, 488:5, 488:7, 488:17, 488:20, 488:25, 554:20</p> <p>polite [1] - 569:14</p> <p>politely [1] - 571:10</p> <p>politically [2] - 525:8, 575:20</p> <p>poor [4] - 501:25, 502:8, 502:21, 513:12</p> <p>poorly [1] - 504:15</p> <p>porch [3] - 413:19, 413:20, 413:21</p> <p>portion [1] - 464:9</p> <p>pose [1] - 559:2</p> <p>posed [1] - 480:23</p> <p>posing [1] - 480:25</p> <p>position [19] - 465:23, 466:1, 468:17, 468:25, 503:19, 503:20, 505:23, 506:18, 507:14, 509:22, 510:3, 510:21, 510:23, 525:19, 553:7, 555:19, 575:16, 576:16, 578:12</p> <p>positioned [1] - 509:5</p> <p>positions [5] - 452:10, 524:24, 524:25, 559:18, 575:15</p> <p>possibility [3] - 472:11, 481:20, 555:22</p>	<p>possible [11] - 462:8, 468:15, 486:25, 487:13, 522:19, 533:23, 563:14, 566:7, 571:22, 578:22, 578:24</p> <p>possibly [1] - 448:10</p> <p>post [1] - 494:21</p> <p>potential [4] - 469:20, 507:17, 507:18, 551:21</p> <p>potentially [4] - 483:5, 486:6, 507:13, 510:12</p> <p>Powell [6] - 433:23, 433:25, 434:10, 434:11, 434:12, 434:13</p> <p>PowerPoint [3] - 455:25, 456:3, 456:4</p> <p>preceded [1] - 480:15</p> <p>preface [1] - 495:23</p> <p>preferred [1] - 564:9</p> <p>premise [2] - 442:9, 443:10</p> <p>preparation [1] - 555:7</p> <p>prepare [3] - 406:25, 453:11, 479:24</p> <p>prepared [6] - 411:16, 444:1, 479:6, 501:23, 516:23, 583:20</p> <p>prescribed [1] - 605:2</p> <p>presence [6] - 402:18, 536:19, 536:24, 537:20, 601:5, 603:13</p> <p>present [9] - 429:24, 442:4, 453:10, 454:7, 456:19, 511:7, 584:12, 595:7, 602:8</p> <p>presentation [1] - 562:7</p> <p>presented [29] - 442:9, 442:12, 443:6, 455:8, 456:21, 462:15, 466:10, 471:24, 479:17, 480:4, 480:9, 488:23, 490:11, 491:8, 491:15, 498:20, 500:13, 503:18, 517:21, 518:25, 552:12, 563:8, 563:14, 563:15, 563:17, 566:15, 568:25, 569:13,</p>
--	--	---	--	---

<p>574:3 presents [1] - 564:1 pressed [1] - 469:13 presumably [1] - 492:24 presume [2] - 484:13, 539:10 pretty [8] - 441:16, 441:19, 483:16, 485:9, 497:22, 532:17, 548:19, 594:11 prevent [1] - 505:24 previously [1] - 528:18 primarily [3] - 441:4, 445:18, 447:11 primary [2] - 416:5, 496:7 Prince [4] - 400:17, 489:7, 502:24, 511:9 PRINCE [2] - 503:2, 511:11 principle [1] - 566:15 prison [1] - 527:10 private [4] - 494:12, 550:25, 561:19, 561:22 probability [1] - 481:19 problem [9] - 457:13, 458:25, 491:10, 494:23, 495:2, 498:25, 550:16, 551:25, 602:6 problems [1] - 463:25 procedure [1] - 554:20 proceed [14] - 404:16, 415:7, 419:6, 424:19, 440:19, 450:22, 453:25, 476:6, 478:22, 537:22, 545:2, 545:10, 590:12, 603:5 proceedings [1] - 604:24 Proceedings [4] - 400:12, 400:25, 402:1, 604:18 process [4] - 441:25, 491:19, 525:14, 586:8 produced [1] - 400:25 profession [2] - 441:2, 441:4 Professional [1] - 604:20 professional [8] - 442:23, 447:7,</p>	<p>449:20, 449:23, 450:6, 451:24, 464:21, 520:2 proficient [2] - 483:13, 563:9 program [3] - 447:10, 447:22, 448:5 programming [1] - 449:1 programs [3] - 447:5, 447:10, 448:14 progress [1] - 463:20 progresses [1] - 541:11 prohibits [1] - 488:25 promise [3] - 420:18, 420:24, 423:1 promote [1] - 525:18 promoted [3] - 524:19, 525:9, 525:11 promotion [3] - 525:1, 525:10, 525:13 promotions [1] - 525:23 prompted [1] - 542:20 proper [4] - 510:8, 510:11, 517:22, 573:12 property [6] - 418:1, 436:23, 437:1, 437:5, 437:17, 438:7 proposed [1] - 603:8 protect [3] - 488:10, 507:16, 552:8 protection [4] - 507:7, 509:23, 510:4, 511:7 proud [1] - 450:1 prove [8] - 474:25, 475:11, 476:9, 476:12, 500:9, 542:25, 594:19, 594:20 provide [13] - 441:7, 442:19, 447:6, 453:15, 455:5, 457:5, 495:16, 523:13, 523:20, 523:25, 524:1, 539:12, 548:3 provided [40] - 415:13, 428:10, 428:15, 441:21, 442:10, 451:14, 451:22, 451:23, 451:24, 461:4, 463:5, 466:22, 467:1, 480:5, 482:10, 484:25, 485:19, 499:6,</p>	<p>499:15, 501:10, 503:22, 517:1, 519:20, 519:23, 523:15, 556:17, 557:3, 558:19, 561:13, 561:16, 569:14, 570:15, 571:20, 571:25, 572:22, 573:11, 573:24, 585:18, 593:16, 604:11 provides [2] - 509:22, 577:9 providing [8] - 428:3, 445:2, 452:4, 464:18, 466:19, 509:7, 567:2, 588:14 province [1] - 573:8 proving [1] - 475:9 proximity [1] - 560:8 psychological [2] - 493:18, 577:15 published [6] - 448:19, 520:4, 559:10, 559:11, 559:21, 559:24 pull [3] - 510:20, 540:9, 540:23 pulled [15] - 414:1, 473:10, 473:16, 504:15, 504:17, 505:18, 582:25, 583:14, 584:1, 584:21, 590:21, 591:1, 591:6, 599:9, 599:19 Pullin [1] - 400:22 pulling [3] - 509:2, 541:17, 591:2 pulls [1] - 509:21 purposes [2] - 590:8, 603:7 pursue [2] - 444:25, 493:1 pursued [2] - 492:16, 586:12 pursuing [3] - 492:8, 493:2, 547:20 pursuit [10] - 492:11, 492:13, 546:16, 546:22, 547:4, 547:6, 547:9, 547:14, 547:16, 586:22 put [21] - 411:23, 413:24, 414:1, 414:2, 422:18, 423:23, 443:1, 453:13, 458:24, 459:6, 466:25,</p>	<p>487:13, 500:12, 505:19, 506:18, 508:25, 510:23, 511:5, 541:1, 562:21, 567:9 puts [3] - 474:4, 504:24, 593:2 putting [1] - 529:7 puzzle [1] - 467:22</p>	<p>Q</p> <p>qualifications [3] - 444:7, 542:17, 544:9 qualified [6] - 450:8, 450:14, 450:16, 460:22, 461:6, 598:25 quarter [3] - 483:15, 492:20, 589:21 questioned [4] - 543:10, 585:9, 601:17, 601:19 questioning [1] - 535:8 questions [31] - 403:24, 414:15, 416:21, 416:24, 418:3, 424:25, 429:21, 436:4, 438:12, 443:9, 471:8, 475:15, 476:1, 495:21, 495:22, 496:9, 514:6, 533:22, 534:19, 536:18, 536:24, 537:20, 537:25, 558:14, 590:1, 595:9, 596:1, 599:22, 601:3 quick [1] - 483:16 quickly [7] - 460:7, 467:7, 471:22, 520:21, 563:14, 566:7, 598:8 quit [4] - 403:15, 405:18, 417:20, 417:22 quite [4] - 515:16, 515:23, 523:9, 530:18 quote [5] - 414:23, 457:3, 538:6, 585:14, 590:18 quotes [1] - 599:8</p>	<p>479:18, 480:5, 480:9, 480:14, 480:22, 481:1, 481:3, 481:6, 481:9, 481:24, 483:22, 484:5, 484:10, 484:21, 486:17, 487:3, 487:6, 487:17, 503:23, 506:5, 507:23, 516:21, 516:25, 517:5, 517:15, 517:19, 517:21, 518:20, 518:25, 519:5, 519:7, 519:10, 519:16, 519:18, 604:3 raise [1] - 405:20 raised [2] - 477:11, 537:12 raises [1] - 408:5 raising [3] - 405:23, 406:10, 406:12 ran [1] - 504:4 range [3] - 562:22, 563:9, 564:4 rank [4] - 524:4, 524:8, 524:10, 525:18 rapid [4] - 471:14, 472:15, 473:3 rapidly [3] - 467:8, 490:2, 531:1 rather [1] - 448:7 Rd [1] - 400:19 re [1] - 596:21 re-redirect [1] - 596:21 reach [1] - 534:16 reached [2] - 495:1, 541:15 reaches [1] - 541:14 reaching [2] - 420:8, 568:22 react [6] - 563:3, 563:9, 563:19, 564:3, 565:7, 566:10 reaction [10] - 560:25, 562:3, 562:6, 562:8, 562:9, 562:14, 562:19, 565:13, 566:14, 566:20 read [4] - 495:20, 496:13, 517:10, 583:19 reads [1] - 459:14 ready [16] - 404:16, 415:7, 418:16, 419:5, 419:6, 427:17, 431:7,</p>
				<p>R</p> <p>radio [38] - 451:22, 461:12, 461:15,</p>	

<p>439:12, 440:5, 440:19, 477:3, 478:17, 525:4, 537:22, 545:2, 545:10</p> <p>real [10] - 403:16, 409:2, 410:2, 422:6, 495:22, 559:13, 559:25, 560:1, 560:3, 564:3</p> <p>realistically [1] - 437:11</p> <p>realize [4] - 423:3, 455:17, 541:12, 604:13</p> <p>realized [3] - 508:5, 512:1, 513:5</p> <p>really [28] - 406:22, 412:19, 422:3, 422:5, 423:8, 426:25, 434:2, 434:25, 442:14, 454:21, 455:14, 458:15, 459:16, 463:22, 468:8, 470:23, 471:20, 474:8, 490:13, 495:10, 498:23, 505:3, 517:15, 518:24, 542:18, 553:15, 584:10, 588:15</p> <p>realm [3] - 462:20, 462:22, 497:24</p> <p>realtime [2] - 400:25, 481:19</p> <p>rear [8] - 470:20, 482:23, 486:14, 508:5, 508:6, 511:6, 511:7, 568:3</p> <p>reason [18] - 420:20, 444:23, 457:9, 457:21, 459:25, 485:6, 493:15, 500:14, 508:6, 510:15, 541:8, 541:11, 572:10, 572:11, 575:6, 575:13, 582:8, 583:8</p> <p>reasonable [26] - 444:4, 451:1, 451:4, 451:8, 488:19, 491:13, 497:12, 501:18, 501:20, 530:8, 530:10, 530:14, 548:11, 549:4, 549:9, 551:3, 551:10, 551:11, 552:6, 557:12, 569:4, 574:7,</p>	<p>589:13, 589:18, 592:21, 592:25</p> <p>reasonably [1] - 488:9</p> <p>reasons [4] - 457:20, 461:5, 489:21, 572:17</p> <p>rebuilding [1] - 407:6</p> <p>recalling [1] - 580:25</p> <p>receive [2] - 555:6, 603:9</p> <p>received [8] - 429:17, 429:18, 449:6, 449:7, 449:10, 453:16, 455:11, 591:25</p> <p>receiving [1] - 592:4</p> <p>recently [5] - 438:3, 448:3, 448:19, 457:18, 472:6</p> <p>recess [4] - 439:22, 478:5, 478:7, 545:1</p> <p>recognizes [2] - 560:16, 560:17</p> <p>recognizing [2] - 560:24, 561:4</p> <p>recollection [5] - 532:20, 533:3, 570:2, 570:19, 571:1</p> <p>recommendation [1] - 449:8</p> <p>recommended [2] - 494:4, 550:2</p> <p>reconsideration [2] - 501:14, 513:9</p> <p>reconstruction [5] - 460:24, 461:1, 462:20, 546:3, 546:5</p> <p>reconstructionist [4] - 460:25, 523:2, 523:4, 523:6</p> <p>reconvene [2] - 476:21, 477:3</p> <p>reconvened [1] - 402:3</p> <p>record [9] - 403:25, 405:2, 495:20, 500:21, 507:2, 543:9, 544:15, 602:20, 604:12</p> <p>recorded [3] - 400:25, 451:16, 590:25</p> <p>recording [1] - 594:17</p> <p>recordings [2] - 451:16, 480:9</p> <p>recreate [1] - 458:25</p> <p>Recross [2] - 401:16, 401:18</p> <p>recross [1] - 595:11</p> <p>RECROSS [2] - 595:14, 598:2</p>	<p>Recross- Examination [2] - 401:16, 401:18</p> <p>RECROSS- EXAMINATION [2] - 595:14, 598:2</p> <p>red [1] - 457:14</p> <p>redirect [5] - 401:5, 401:10, 564:1, 590:9, 596:21</p> <p>REDIRECT [4] - 417:2, 436:10, 590:13, 597:2</p> <p>Redirect [2] - 401:15, 401:17</p> <p>refer [2] - 538:8, 579:21</p> <p>reference [8] - 458:17, 465:6, 465:18, 467:14, 497:25, 516:11, 539:5, 585:8</p> <p>referenced [3] - 456:10, 456:11, 581:7</p> <p>references [1] - 558:18</p> <p>referred [2] - 442:7, 447:24</p> <p>referring [4] - 430:15, 533:4, 585:13, 587:23</p> <p>refers [1] - 599:6</p> <p>reflects [1] - 559:21</p> <p>refrain [9] - 438:25, 439:3, 477:6, 477:9, 537:7, 537:10, 576:2, 600:9, 600:14</p> <p>refresh [1] - 570:1</p> <p>regard [16] - 408:1, 420:8, 463:25, 470:22, 475:12, 480:3, 501:14, 538:2, 539:17, 539:20, 547:3, 557:21, 561:24, 568:25, 570:2, 586:11</p> <p>regarding [7] - 475:15, 480:23, 487:25, 488:16, 494:17, 551:14, 571:21</p> <p>Registered [1] - 604:20</p> <p>regret [1] - 426:11</p> <p>regrets [2] - 423:25, 426:10</p> <p>regular [1] - 555:5</p> <p>regularly [2] - 411:22, 431:25</p>	<p>rehash [1] - 550:22</p> <p>reinforced [1] - 487:21</p> <p>relate [1] - 445:9</p> <p>related [7] - 443:5, 444:17, 445:2, 446:10, 446:14, 448:23, 455:11</p> <p>relates [3] - 444:14, 448:6, 460:17</p> <p>relating [3] - 448:20, 488:5, 584:14</p> <p>relation [1] - 503:21</p> <p>relationship [8] - 407:12, 408:22, 425:5, 425:15, 433:19, 433:20, 433:22, 435:12</p> <p>relationships [1] - 424:6</p> <p>relative [5] - 455:2, 456:23, 468:21, 499:6, 576:16</p> <p>relatively [1] - 589:6</p> <p>relatives [2] - 411:13</p> <p>release [1] - 423:22</p> <p>relevant [1] - 573:10</p> <p>reliable [1] - 459:9</p> <p>relied [1] - 429:7</p> <p>reload [4] - 483:19, 510:17, 510:18, 511:1</p> <p>reloads [1] - 510:17</p> <p>rely [5] - 429:13, 489:6, 489:9, 502:15, 520:5</p> <p>relying [2] - 431:1, 492:21</p> <p>remain [3] - 438:25, 477:5, 600:8</p> <p>remains [2] - 415:2, 508:8</p> <p>remember [23] - 421:12, 429:20, 474:11, 483:3, 506:1, 507:1, 513:21, 520:17, 540:4, 542:9, 547:22, 554:7, 554:17, 569:16, 569:24, 570:23, 571:3, 571:6, 577:23, 579:17, 579:19, 591:18, 595:21</p> <p>remembered [3] - 532:9, 595:18, 597:7</p> <p>remembering [1] - 601:2</p> <p>remembers [1] - 423:6</p> <p>remodel [1] - 408:2</p>	<p>remote [1] - 417:10</p> <p>remove [2] - 419:5, 510:23</p> <p>render [2] - 442:24, 444:6</p> <p>rendered [1] - 442:17</p> <p>Renmei [1] - 450:4</p> <p>rent [1] - 429:15</p> <p>reorganized [1] - 524:21</p> <p>repeat [2] - 407:8, 529:17</p> <p>rephrase [4] - 428:24, 529:12, 579:4, 596:5</p> <p>report [30] - 451:18, 457:17, 461:4, 500:11, 500:15, 500:19, 500:24, 500:25, 501:6, 501:8, 516:23, 558:2, 558:18, 559:4, 576:21, 579:14, 579:18, 582:13, 582:15, 583:19, 583:23, 583:25, 584:13, 584:22, 586:3, 586:23, 586:25, 598:4, 599:5, 599:6</p> <p>reported [1] - 604:25</p> <p>REPORTER [1] - 446:2</p> <p>Reporter [3] - 604:20, 604:21, 605:8</p> <p>Reporter's [1] - 503:9</p> <p>reports [2] - 461:24, 461:25</p> <p>represent [1] - 473:11</p> <p>representative [4] - 456:12, 494:10, 542:13, 550:4</p> <p>Representative [1] - 400:5</p> <p>requesting [1] - 481:7</p> <p>require [2] - 459:2, 530:14</p> <p>required [3] - 419:24, 520:6, 528:13</p> <p>requires [1] - 530:23</p> <p>research [4] - 558:5, 558:6, 559:9, 559:12</p> <p>residence [1] - 416:9</p> <p>resident [1] - 450:2</p> <p>resistance [1] - 472:23</p> <p>respect [8] - 462:22, 537:11, 542:16, 553:3, 561:13, 574:15, 575:3, 603:13</p>
---	---	--	---	--

respectfully [3] - 428:5, 534:18, 574:15 respond [2] - 564:3, 564:7 responding [1] - 466:25 response [13] - 475:8, 536:5, 542:25, 543:19, 560:25, 561:25, 562:8, 562:12, 562:15, 562:24, 563:19, 566:21, 586:10 responses [2] - 535:24, 577:16 responsibilities [1] - 446:23 responsibility [4] - 490:23, 491:6, 593:2, 593:9 responsible [3] - 427:15, 427:24, 446:12 rest [5] - 413:16, 422:1, 494:5, 525:11, 601:4 rested [3] - 601:12, 602:17, 603:5 result [3] - 423:13, 551:4, 559:3 resulted [1] - 533:4 resume [2] - 438:24, 537:4 resuming [1] - 511:9 retain [1] - 443:13 retained [13] - 441:22, 441:23, 442:8, 442:12, 442:20, 528:25, 531:11, 531:23, 531:24, 541:10, 541:23, 541:25, 544:2 retainer [1] - 441:12 retake [1] - 478:20 retired [8] - 405:9, 441:3, 443:20, 446:7, 524:11, 524:12, 524:20, 526:1 retirement [2] - 446:22, 446:24 retiring [1] - 446:16 retrieve [1] - 436:4 return [2] - 467:23, 477:23 returned [2] - 478:13, 545:6 revealed [1] - 493:23 reverse [2] - 519:20, 519:21 reversed [1] - 517:1 review [22] - 444:6, 445:4, 451:13, 454:4, 456:16, 457:21, 458:9, 460:13, 464:17, 470:23, 471:9, 473:8, 473:16, 473:17, 474:20, 476:15, 488:2, 491:18, 497:10, 500:4, 555:2, 574:6 reviewed [8] - 451:20, 451:21, 459:8, 462:18, 468:8, 490:9, 496:2, 546:24 reviewing [8] - 441:14, 446:13, 455:2, 456:23, 467:15, 467:16, 467:21, 469:7 revving [2] - 471:24, 471:25 RHOADES [5] - 400:4, 401:2, 404:19, 419:2, 430:18 Rhoades [82] - 400:6, 402:4, 402:7, 402:19, 403:5, 404:18, 404:20, 404:22, 404:25, 405:6, 405:8, 414:23, 415:11, 415:13, 415:22, 415:25, 416:5, 416:10, 416:23, 418:5, 418:7, 418:11, 418:17, 418:18, 418:22, 418:24, 419:10, 421:18, 424:25, 425:1, 425:5, 425:22, 425:24, 426:2, 426:5, 426:10, 426:12, 426:17, 426:18, 427:24, 428:3, 429:3, 429:4, 429:20, 430:7, 430:8, 430:11, 430:19, 431:17, 432:5, 432:6, 432:11, 432:14, 432:22, 433:7, 433:9, 433:19, 433:22, 434:4, 434:10, 434:13, 435:11, 435:17, 438:17, 444:3, 451:4, 480:12, 491:19, 521:21, 546:16, 548:1, 556:9, 557:3, 557:4, 557:6, 569:6, 588:5, 588:16, 588:25, 595:5 Rhoades' [15] - 416:6, 416:8, 416:14, 416:15, 428:18, 434:18, 434:19, 435:13, 435:18, 435:24, 436:22, 548:25, 556:18, 578:2 Rhoades's [4] - 403:15, 403:23, 427:1, 489:11 RHOADS [1] - 401:7 Rick [29] - 404:18, 405:8, 405:9, 405:22, 405:23, 406:3, 406:9, 408:19, 410:20, 411:20, 412:11, 413:13, 413:14, 414:5, 414:14, 417:4, 417:24, 418:3, 420:17, 420:20, 421:16, 421:18, 421:20, 421:23, 429:3, 434:17, 434:19, 436:22, 438:2 RICK [2] - 401:2, 404:19 Ridge [1] - 443:23 riding [1] - 409:22 right-hand [1] - 465:22 rights [1] - 489:11 ring [1] - 569:20 rise [2] - 490:24, 593:3 risk [8] - 507:11, 507:12, 508:12, 508:14, 510:10, 524:17, 553:17 Riviera [4] - 445:15, 445:16, 445:20, 449:9 road [74] - 403:1, 403:9, 403:21, 445:19, 453:2, 458:19, 459:18, 459:19, 459:20, 460:16, 462:11, 463:6, 463:14, 463:16, 463:22, 463:23, 464:12, 464:24, 464:25, 465:4, 465:13, 467:10, 467:18, 467:19, 467:20, 468:22, 471:1, 473:24, 474:1, 480:17, 482:2, 482:3, 484:8, 485:2, 485:4, 485:10, 485:17, 486:3, 486:13, 486:18, 487:4, 487:5, 487:7, 487:14, 492:22, 492:23, 503:17, 504:22, 505:1, 505:9, 513:23, 518:6, 518:10, 522:1, 522:17, 522:18, 524:23, 525:2, 525:7, 542:22, 579:6, 579:16, 580:3, 580:21, 580:22, 581:1, 581:6, 581:8, 581:11, 581:13, 581:15, 582:2, 588:15 Road [1] - 400:16 road's [1] - 463:7 roads [1] - 406:25 roadway [5] - 460:3, 465:2, 486:25, 518:19, 522:23 robbery [1] - 449:12 roll [1] - 497:8 roofer [1] - 408:11 room [7] - 410:24, 413:7, 423:17, 497:22, 537:9, 575:7, 594:17 ROOT [3] - 401:12, 440:15, 440:25 Root [73] - 439:11, 439:12, 439:16, 440:12, 440:13, 440:16, 440:22, 440:25, 441:2, 441:20, 443:3, 443:25, 444:8, 449:5, 449:21, 450:8, 450:13, 450:15, 450:24, 452:12, 453:11, 460:22, 463:4, 476:8, 476:21, 477:15, 479:2, 479:5, 479:17, 488:7, 493:7, 498:16, 501:13, 501:22, 502:5, 503:4, 511:9, 511:14, 511:20, 513:7, 514:5, 514:12, 519:1, 520:15, 523:9, 526:19, 527:13, 527:17, 530:17, 537:19, 537:25, 539:25, 541:23, 543:10, 544:2, 545:13, 547:24, 553:24, 560:5, 564:22, 571:14, 572:13, 576:1, 576:7, 580:14, 581:22, 589:8, 590:1, 590:15, 594:3, 597:4, 597:22, 600:1 root [5] - 443:15, 451:9, 595:8, 595:16, 598:4 Root's [3] - 478:18, 537:4, 543:1 roughly [2] - 453:4, 453:6 round [6] - 483:15, 560:21, 562:21, 563:9, 575:15 rounded [2] - 463:12, 463:19 rounds [4] - 475:4, 510:20, 514:1, 529:10 RP [2] - 458:17, 459:1 RP1 [1] - 466:1 RPR [1] - 605:7 rude [1] - 477:19 ruled [1] - 489:25 rules [1] - 450:18 ruling [4] - 402:6, 543:9, 544:14, 544:17 rulings [1] - 414:22 Run [2] - 482:3, 482:5 run [10] - 405:15, 407:1, 407:2, 439:14, 471:18, 489:3, 512:9, 512:13, 512:22, 536:16 running [2] - 447:6, 529:19 runs [1] - 505:12 rural [1] - 595:3 Ryan [3] - 400:15, 420:20, 421:2				
S				
S.W.A.T [2] - 506:23,				

<p>507:2</p> <p>sacrifice [1] - 508:17</p> <p>sadly [3] - 525:7, 530:21, 559:18</p> <p>Safari [1] - 563:6</p> <p>safe [4] - 434:12, 435:17, 476:10, 509:18</p> <p>safety [11] - 502:1, 502:9, 502:22, 507:5, 508:7, 508:17, 509:12, 510:21, 510:23, 513:12</p> <p>sale [1] - 442:15</p> <p>sanctions [1] - 446:16</p> <p>sanitize [1] - 418:13</p> <p>sat [1] - 422:18</p> <p>save [1] - 463:12</p> <p>saw [16] - 408:7, 426:21, 433:10, 458:7, 464:1, 471:4, 485:11, 504:21, 505:25, 548:20, 559:6, 578:9, 590:17, 591:15, 592:7, 597:14</p> <p>scale [1] - 503:25</p> <p>scanning [1] - 506:3</p> <p>scared [5] - 406:15, 406:16, 406:17, 407:19, 423:18</p> <p>scene [46] - 411:20, 451:21, 452:1, 452:4, 452:7, 454:18, 456:20, 457:25, 458:20, 458:25, 461:1, 464:22, 465:19, 466:23, 467:3, 469:6, 475:3, 475:15, 481:17, 488:21, 491:8, 497:18, 498:14, 499:2, 499:4, 499:18, 499:22, 500:20, 500:21, 500:22, 500:24, 501:12, 516:16, 521:3, 521:21, 521:25, 546:2, 546:8, 546:12, 548:5, 557:18, 574:1, 574:9, 589:4, 589:19</p> <p>scheduled [2] - 432:1, 601:22</p> <p>school [12] - 403:6, 403:7, 403:11, 403:15, 406:24,</p>	<p>427:17, 431:8, 432:16, 432:18, 437:13, 447:11, 456:4</p> <p>schools [2] - 447:18, 448:9</p> <p>science [4] - 445:1, 445:3, 447:20, 462:24</p> <p>Science [1] - 445:1</p> <p>screaming [1] - 422:23</p> <p>screen [6] - 453:23, 455:20, 467:11, 469:23, 469:24, 479:13</p> <p>searching [7] - 492:9, 492:15, 493:2, 493:5, 546:20, 547:21, 586:21</p> <p>seat [1] - 473:5</p> <p>seated [9] - 439:9, 440:10, 440:17, 477:14, 478:16, 537:18, 545:9, 578:7, 578:11</p> <p>second [21] - 402:24, 418:16, 425:20, 455:18, 483:15, 483:16, 490:1, 496:5, 501:23, 502:6, 513:25, 533:12, 552:15, 562:8, 562:16, 562:20, 566:7, 576:1, 576:20, 590:25</p> <p>secondary [1] - 496:6</p> <p>secondly [1] - 575:9</p> <p>seconds [34] - 463:16, 463:18, 463:20, 480:8, 480:10, 481:6, 481:12, 481:22, 481:23, 484:9, 484:20, 484:22, 485:1, 485:8, 485:13, 485:16, 485:17, 486:12, 486:19, 487:8, 487:11, 513:18, 513:24, 514:2, 563:1, 563:10, 563:11, 563:20, 565:5, 566:2, 566:12, 566:19, 566:25</p> <p>section [1] - 488:5</p> <p>sections [1] - 485:12</p> <p>security [1] - 507:5</p> <p>see [91] - 402:2, 407:1,</p>	<p>410:6, 421:23, 430:19, 433:7, 433:8, 434:5, 438:21, 439:6, 439:21, 443:24, 453:5, 453:23, 456:7, 456:8, 456:17, 456:25, 458:16, 459:12, 459:18, 463:18, 463:20, 464:5, 465:3, 465:14, 465:21, 466:2, 467:1, 467:10, 468:2, 468:4, 468:10, 468:11, 468:13, 468:18, 468:24, 469:11, 469:12, 469:14, 472:12, 477:11, 478:5, 479:12, 479:14, 485:11, 496:25, 497:18, 498:24, 505:10, 506:3, 509:2, 510:2, 517:20, 520:19, 526:21, 526:23, 527:1, 527:15, 527:18, 527:20, 537:14, 544:25, 550:10, 552:6, 559:5, 561:1, 562:9, 562:16, 562:17, 562:18, 563:2, 563:8, 563:18, 564:3, 564:24, 565:6, 566:9, 566:25, 567:18, 570:21, 576:21, 578:10, 578:14, 582:21, 600:18, 603:11, 603:16, 604:16</p> <p>seeing [4] - 483:4, 577:6, 578:2, 578:15</p> <p>seeking [1] - 442:2</p> <p>segment [1] - 575:11</p> <p>segments [1] - 517:1</p> <p>selected [2] - 525:20, 525:22</p> <p>self [3] - 441:5, 441:6, 448:18</p> <p>self-defense [3] - 441:5, 441:6, 448:18</p> <p>send [1] - 421:3</p> <p>sense [1] - 572:1</p> <p>sent [2] - 481:7, 542:6</p> <p>sentences [1] - 501:4</p> <p>separate [2] - 416:3, 591:5</p>	<p>separated [16] - 416:1, 416:10, 416:16, 419:13, 424:4, 426:13, 426:14, 427:6, 427:11, 427:13, 427:23, 431:18, 431:22, 432:6, 437:8, 495:9</p> <p>separating [1] - 448:18</p> <p>September [3] - 515:21, 516:10, 518:9</p> <p>sequence [2] - 468:14, 556:25</p> <p>Sergeant [10] - 455:12, 547:3, 549:19, 579:22, 580:6, 585:25, 586:2, 586:4, 587:19, 596:9</p> <p>sergeant [8] - 524:10, 524:13, 524:19, 524:24, 526:2, 546:25, 549:19</p> <p>serious [4] - 448:4, 488:11, 488:13, 567:19</p> <p>serve [3] - 419:24, 450:16, 523:20</p> <p>served [6] - 445:20, 445:25, 446:5, 531:6, 539:8, 555:4</p> <p>service [11] - 404:16, 421:9, 421:11, 443:13, 538:13, 538:14, 538:18, 539:2, 539:18, 541:1, 542:4</p> <p>set [6] - 411:6, 411:8, 411:22, 439:17, 504:3, 510:8</p> <p>Seth [5] - 412:19, 412:24, 413:1, 413:6, 437:21</p> <p>seven [5] - 421:9, 481:6, 483:11, 485:17, 565:12</p> <p>Seventh [1] - 564:16</p> <p>several [1] - 517:12</p> <p>shady [1] - 406:22</p> <p>share [5] - 450:19, 450:20, 480:2, 573:11, 585:7</p> <p>shared [1] - 586:18</p> <p>sharing [2] - 575:10, 575:11</p> <p>sharp [1] - 467:17</p> <p>Shawn [1] - 543:11</p> <p>sheet [1] - 526:19</p>	<p>sheriff [6] - 524:7, 524:9, 524:11, 525:4, 525:16, 525:23</p> <p>Sheriff's [8] - 446:7, 450:1, 450:3, 487:24, 488:8, 524:15, 527:6, 554:24</p> <p>sheriff's [5] - 527:11, 528:5, 528:11, 554:25, 555:6</p> <p>shield [1] - 508:7</p> <p>shift [2] - 445:19, 552:17</p> <p>shifting [2] - 493:6, 501:3</p> <p>shock [1] - 410:22</p> <p>shoes [1] - 526:10</p> <p>shoot [6] - 409:1, 460:25, 562:19, 563:4, 565:8, 566:25</p> <p>shooter [2] - 447:22</p> <p>shooting [40] - 452:4, 452:7, 471:3, 475:2, 481:4, 483:16, 488:24, 491:12, 499:3, 499:7, 504:13, 508:16, 510:21, 514:3, 521:8, 529:16, 530:7, 530:9, 546:2, 549:20, 554:21, 557:11, 561:14, 561:15, 561:22, 571:21, 572:18, 573:22, 574:7, 575:15, 575:16, 577:14, 577:23, 578:17, 593:14, 593:22, 593:25, 594:14, 594:19</p> <p>shoots [1] - 409:3</p> <p>Shores [1] - 446:18</p> <p>short [2] - 405:25, 445:24</p> <p>shortened [1] - 445:12</p> <p>shortest [1] - 575:12</p> <p>shortly [1] - 453:5</p> <p>shot [20] - 408:25, 409:1, 409:3, 420:11, 444:3, 451:3, 470:18, 511:2, 529:1, 529:2, 529:3, 529:8, 529:16, 529:21, 530:1, 553:21, 554:4, 554:9, 568:12, 574:23</p> <p>shotgun [1] - 444:22</p>
---	---	---	---	--

shots [7] - 481:2, 481:4, 483:23, 484:13, 484:22, 513:17, 529:13 Shots [1] - 519:12 Show [1] - 556:10 show [17] - 448:25, 449:3, 453:5, 458:10, 458:14, 460:6, 464:3, 468:4, 472:24, 488:5, 507:11, 517:13, 556:19, 557:3, 581:4, 585:5, 594:20 showed [9] - 485:6, 495:19, 506:1, 519:6, 520:16, 573:18, 575:14, 575:16, 594:15 showing [4] - 469:10, 470:18, 522:19, 588:1 shown [2] - 474:12, 493:15 shows [7] - 458:11, 464:24, 474:25, 500:21, 503:19, 575:14 shy [1] - 472:25 side [20] - 433:8, 460:5, 465:25, 468:13, 468:19, 469:3, 469:12, 470:1, 470:19, 470:25, 492:6, 504:9, 504:12, 505:15, 505:18, 576:25, 577:3, 584:20, 588:13, 599:9 sight [6] - 546:17, 546:21, 547:7, 547:15, 581:11, 586:12 sign [2] - 420:22, 443:13 significant [2] - 510:10, 568:7 similar [7] - 429:21, 468:24, 535:1, 535:3, 559:8, 565:4, 589:19 similarly [1] - 594:11 simple [5] - 441:25, 461:13, 461:15, 563:22, 589:10 simply [1] - 571:14 simultaneously [1] - 483:6 single [3] - 464:15, 593:18, 593:23 singular [2] - 578:24, 578:25 sister [6] - 434:19, 434:21, 435:1, 436:12, 437:18, 438:2 sister's [1] - 434:17 sisters [1] - 436:16 sit [3] - 410:24, 432:25, 541:19 site [37] - 452:3, 453:2, 453:3, 463:15, 464:13, 465:17, 468:18, 469:2, 473:10, 473:12, 473:16, 473:19, 473:22, 482:5, 485:14, 487:9, 491:22, 492:1, 492:4, 492:19, 503:16, 504:3, 504:7, 504:10, 504:16, 505:18, 506:2, 506:4, 508:22, 508:24, 521:23, 521:24, 574:14, 579:16, 590:22, 591:6, 592:2 sitting [6] - 448:11, 468:22, 471:6, 473:20, 491:22, 492:3 situation [11] - 508:12, 533:9, 550:7, 550:13, 550:16, 551:2, 552:2, 553:20, 561:6, 578:17, 578:21 situations [6] - 490:3, 494:7, 530:13, 530:24, 531:1, 577:21 six [8] - 421:8, 421:20, 438:5, 460:1, 486:11, 504:24, 540:21, 555:23 sixth [1] - 461:22 size [3] - 497:19, 521:24, 578:13 skip [1] - 402:12 sleep [2] - 410:23, 494:5 sleepovers [2] - 438:8, 438:10 slide [3] - 464:15, 485:6, 485:21 slow [11] - 446:2, 449:25, 461:2, 472:9, 473:1, 491:3, 495:5, 511:20, 522:13, 522:20, 522:21 slower [1] - 460:9 slowly [2] - 460:7, 471:19 small [5] - 409:20, 469:24, 474:11, 537:9, 600:10 smaller [1] - 477:8 smudge [3] - 456:7, 456:9, 456:22 soft [1] - 472:5 solely [2] - 501:9, 556:12 solid [2] - 498:12, 509:7 solidify [1] - 498:23 someone [6] - 489:2, 493:22, 538:17, 550:6, 553:20, 567:14 sometime [2] - 443:24, 524:20 sometimes [2] - 429:16, 495:7 somewhat [1] - 570:11 somewhere [3] - 416:4, 467:10, 467:12 son [14] - 405:23, 406:5, 406:11, 408:13, 408:15, 409:7, 411:4, 411:20, 412:18, 420:17, 423:4, 432:2, 432:8, 435:14 sons [10] - 408:22, 408:23, 412:12, 412:15, 412:18, 413:16, 415:14, 415:20, 428:8, 434:16 sons' [1] - 421:5 soon [10] - 419:3, 422:17, 440:16, 582:25, 583:13, 583:14, 584:1, 584:21, 599:9, 599:19 sorry [29] - 422:4, 424:21, 435:5, 436:21, 438:22, 446:2, 446:4, 449:25, 453:21, 457:24, 464:10, 481:11, 491:3, 495:5, 496:11, 504:17, 507:7, 511:18, 514:19, 519:16, 543:7, 544:11, 545:14, 562:13, 569:25, 572:12, 574:19, 586:5, 586:24 sought [2] - 435:18, 448:22 sound [3] - 507:25, 512:20, 516:2 sounds [2] - 404:1, 546:23 source [3] - 498:12, 594:2, 594:25 Southern [1] - 543:12 southern [1] - 543:14 speaker [1] - 510:1 speaking [1] - 496:11 special [1] - 506:24 specialist [3] - 446:11, 555:4, 559:16 specific [3] - 403:14, 556:2, 561:18 specifically [10] - 403:6, 474:17, 488:25, 489:16, 496:16, 497:12, 534:1, 538:1, 538:5, 583:25 specifics [1] - 470:15 speed [9] - 460:4, 463:12, 463:24, 468:1, 471:18, 472:17, 473:1, 485:3, 523:5 speeds [1] - 463:25 spelled [1] - 440:25 spend [2] - 437:7, 497:3 spent [11] - 409:21, 416:17, 427:8, 435:14, 437:4, 465:20, 515:16, 515:23, 517:12, 555:7, 592:12 spinning [4] - 471:11, 472:1, 472:6, 472:15 split [3] - 480:23, 487:11, 490:1 split-second [1] - 490:1 spoken [1] - 426:18 sporting [1] - 452:16 spot [2] - 459:7, 600:6 spray [1] - 444:20 spun [2] - 471:24, 471:25 Sq [1] - 400:23 squeeze [1] - 505:2 staff [1] - 554:24 stage [1] - 568:24 stamps [1] - 429:18 stand [10] - 418:14, 477:22, 478:5, 478:20, 502:18, 503:14, 510:14, 511:10, 515:12, 574:16 standard [3] - 441:16, 563:6, 592:24 standards [7] - 502:1, 502:9, 502:22, 513:13, 547:8, 547:13, 547:22 standing [8] - 438:24, 454:23, 477:5, 508:8, 566:17, 567:24, 576:19, 576:20 staples [1] - 432:3 start [9] - 405:22, 407:5, 420:6, 506:3, 508:16, 562:18, 601:24, 602:3, 602:8 started [23] - 403:7, 406:24, 410:5, 411:9, 417:20, 422:19, 422:22, 423:22, 445:14, 477:3, 481:22, 481:23, 504:20, 513:6, 523:8, 582:25, 583:14, 584:1, 584:21, 586:23, 599:10, 599:20 starts [1] - 570:7 state [10] - 419:9, 420:13, 444:1, 450:5, 458:21, 501:24, 523:19, 547:7, 593:17, 595:20 State [10] - 444:11, 451:17, 523:16, 523:21, 523:23, 528:21, 547:4, 547:13, 547:19, 547:23 state-level [1] - 450:5 statement [73] - 416:14, 471:5, 471:6, 471:14, 472:8, 473:10, 473:21, 474:10, 476:10, 480:18, 491:15, 493:14, 493:22, 494:10, 494:13, 494:23,
--

<p>495:16, 496:21, 504:11, 506:11, 506:13, 507:20, 508:9, 549:19, 551:7, 576:22, 577:10, 580:5, 580:15, 581:4, 581:14, 584:6, 584:7, 584:10, 584:11, 584:20, 585:6, 585:21, 585:25, 586:2, 586:13, 586:15, 586:16, 587:4, 587:9, 587:10, 587:16, 587:17, 589:11, 590:25, 591:7, 591:14, 591:20, 592:4, 594:16, 595:20, 596:13, 596:14, 596:15, 597:16, 597:19, 598:12, 598:16, 598:17, 598:21, 598:22, 599:2, 599:12, 599:13, 599:14, 599:15, 599:17</p> <p>statements [91] - 451:15, 451:20, 454:6, 454:15, 457:5, 458:2, 462:4, 466:14, 466:17, 470:7, 471:5, 473:18, 481:16, 482:10, 488:21, 491:9, 491:23, 491:24, 492:17, 493:9, 493:13, 494:18, 495:20, 496:13, 497:10, 498:3, 498:7, 498:9, 498:17, 498:24, 500:13, 504:7, 506:15, 511:16, 516:22, 549:16, 549:25, 550:6, 550:12, 556:13, 557:10, 557:15, 557:20, 571:8, 572:23, 572:24, 572:25, 573:1, 573:24, 574:4, 574:8, 574:16, 574:21, 576:11, 578:6, 579:1, 579:4, 579:10, 580:23, 583:9, 584:8, 584:25, 585:14, 585:16, 585:18, 585:20, 586:8,</p>	<p>587:2, 587:5, 587:6, 587:7, 587:8, 587:10, 587:18, 587:21, 589:10, 590:15, 591:9, 591:21, 592:10, 595:16, 595:20, 596:8, 596:9, 596:11, 597:5, 597:10, 597:17, 597:20</p> <p>STATES [1] - 400:1</p> <p>States [5] - 489:14, 564:16, 604:21, 605:3, 605:8</p> <p>stating [1] - 486:22</p> <p>station [1] - 509:19</p> <p>stay [8] - 416:9, 416:15, 416:17, 417:18, 434:16, 434:17, 435:8, 438:7</p> <p>stayed [4] - 416:18, 433:3, 434:20, 435:1</p> <p>staying [5] - 411:19, 434:23, 437:3, 509:3</p> <p>stays [1] - 422:6</p> <p>steep [5] - 505:15, 588:3, 588:8, 588:21, 589:3</p> <p>steeper [1] - 505:13</p> <p>stenotypy [1] - 604:25</p> <p>step [8] - 418:12, 418:24, 438:17, 477:15, 477:21, 502:18, 600:1, 600:3</p> <p>stepping [2] - 404:21, 404:22</p> <p>steps [1] - 434:20</p> <p>Stevens [11] - 425:6, 425:8, 425:13, 425:16, 425:21, 429:7, 429:9, 433:20, 435:12, 435:15</p> <p>stick [1] - 455:25</p> <p>sticking [4] - 456:14, 466:2, 469:4, 474:11</p> <p>still [28] - 402:8, 405:9, 419:16, 419:21, 421:23, 423:4, 424:9, 425:1, 425:4, 425:19, 425:21, 425:22, 433:6, 445:8, 468:13, 477:16, 479:6, 501:19, 509:4, 515:16, 522:3, 547:8, 547:14, 554:24, 561:7, 563:17,</p>	<p>598:4, 604:3</p> <p>stood [2] - 413:7, 511:8</p> <p>Stop [2] - 556:19, 557:3</p> <p>stop [22] - 424:8, 424:10, 434:2, 447:4, 472:24, 473:1, 473:4, 473:7, 486:24, 501:25, 502:8, 502:21, 503:13, 506:22, 507:12, 508:14, 509:13, 509:17, 509:24, 512:4, 513:12, 600:6</p> <p>stopgapped [1] - 482:16</p> <p>stopped [23] - 425:24, 472:24, 472:25, 486:22, 491:25, 511:4, 557:13, 584:25, 585:3, 585:5, 585:6, 585:15, 585:17, 585:23, 585:24, 586:1, 586:4, 586:9, 586:13, 586:14, 586:17, 587:3, 587:11</p> <p>stopping [5] - 457:7, 486:5, 508:14, 509:14, 509:18</p> <p>stops [3] - 472:18, 483:22, 510:21</p> <p>store [1] - 595:2</p> <p>stories [2] - 495:15, 496:20</p> <p>story [3] - 500:9, 500:10, 594:8</p> <p>straight [4] - 459:2, 471:2, 474:13, 495:15</p> <p>straightforward [1] - 485:22</p> <p>Straley [1] - 593:17</p> <p>strengthened [2] - 487:21, 520:8</p> <p>strengthens [1] - 452:10</p> <p>stress [8] - 454:25, 493:16, 577:13, 577:22, 578:17, 578:21</p> <p>stress-induced [1] - 578:21</p> <p>stress-inducing [3] - 577:13, 577:22, 578:17</p> <p>stretch [2] - 537:2,</p>	<p>537:13</p> <p>strikes [2] - 505:22, 600:5</p> <p>striking [5] - 473:22, 473:25, 505:20, 591:12, 598:25</p> <p>strings [1] - 410:15</p> <p>stripe [1] - 524:13</p> <p>stripes [3] - 524:25, 525:3, 526:1</p> <p>strong [1] - 449:11</p> <p>struck [4] - 504:19, 549:12, 552:24, 583:5</p> <p>Stuart [1] - 406:5</p> <p>studies [11] - 493:15, 493:23, 558:6, 558:15, 558:16, 559:3, 559:5, 559:9, 559:10, 559:11, 559:12</p> <p>study [6] - 558:10, 558:11, 558:19, 558:20, 559:19, 559:25</p> <p>stuff [7] - 413:25, 420:23, 423:11, 423:23, 453:15, 466:8, 575:3</p> <p>stuttering [1] - 486:7</p> <p>styled [2] - 400:12, 604:24</p> <p>Suarez [1] - 542:1</p> <p>subject [10] - 403:11, 531:13, 532:1, 532:21, 533:2, 533:17, 533:19, 536:3, 536:13, 592:17</p> <p>subjective [5] - 592:14, 592:24, 593:1, 593:4, 593:7</p> <p>subjects [3] - 507:13, 558:6</p> <p>successful [2] - 553:18, 564:5</p> <p>sudden [1] - 410:5</p> <p>suddenly [3] - 486:5, 504:19, 564:1</p> <p>sued [2] - 526:6, 527:6</p> <p>suing [1] - 531:24</p> <p>suit [1] - 526:14</p> <p>Suite [1] - 400:19</p> <p>summaries [1] - 480:20</p> <p>summer [3] - 412:21, 437:15, 437:20</p> <p>summertime [1] - 437:14</p> <p>supervisor [2] -</p>	<p>446:15, 525:23</p> <p>supplemental [1] - 461:24</p> <p>support [16] - 428:3, 428:15, 471:12, 472:1, 472:15, 476:16, 487:23, 488:23, 498:6, 498:22, 499:5, 499:19, 499:23, 500:2, 549:6, 549:8</p> <p>supported [3] - 471:10, 506:12, 536:22</p> <p>supporting [2] - 543:24, 572:22</p> <p>supportive [2] - 471:14, 521:1</p> <p>supports [2] - 475:1, 572:18</p> <p>supposed [3] - 498:12, 566:19, 601:2</p> <p>Supreme [2] - 489:14, 489:17</p> <p>surface [3] - 472:2, 485:23, 486:4</p> <p>surprises [1] - 422:7</p> <p>survey [1] - 558:13</p> <p>survive [1] - 493:19</p> <p>survived [1] - 595:5</p> <p>suspect [8] - 535:2, 552:15, 555:12, 555:14, 555:20, 560:11, 560:13, 578:8</p> <p>suspects [5] - 449:12, 554:9, 554:12, 554:15, 554:21</p> <p>sustained [2] - 542:21, 544:16</p> <p>Swaronski [1] - 553:25</p> <p>swear [3] - 404:23, 418:25, 440:14</p> <p>sweet [1] - 423:9</p> <p>SWORN [3] - 404:19, 419:2, 440:15</p> <p>sworn [3] - 433:14, 515:3, 540:25</p> <p>system [2] - 448:2, 510:9</p> <p>systems [1] - 449:1</p>
T				
<p>table [1] - 502:25</p> <p>tac [1] - 483:19</p> <p>tactical [12] - 444:21, 444:22, 447:23,</p>				

<p>505:23, 506:18, 506:24, 508:7, 510:13, 510:16, 510:17, 511:1 tactically [2] - 512:9, 512:19 tactician [1] - 512:12 tactics [24] - 444:18, 445:17, 445:25, 446:5, 447:23, 501:24, 502:2, 502:7, 502:21, 504:7, 506:7, 506:10, 506:23, 507:25, 508:10, 508:19, 509:10, 510:4, 510:8, 510:11, 511:5, 511:8, 513:11, 561:21 tactics-wise [1] - 506:7 takedown [1] - 507:12 talents [2] - 408:7, 412:13 talks [1] - 559:4 tall [2] - 469:17, 470:10 tank [1] - 588:1 taped [1] - 604:24 target [6] - 563:5, 563:7, 563:16, 565:6, 565:7 targets [3] - 561:14, 561:15, 563:7 tasks [1] - 481:16 taught [7] - 409:8, 412:17, 412:18, 412:21, 447:22, 523:23 teach [1] - 412:15 teacher [2] - 432:15, 432:17 teaching [1] - 444:17 team [2] - 495:13, 507:2 technical [1] - 405:2 technique [1] - 562:11 technology [1] - 455:22 tedious [1] - 466:8 television [2] - 448:20, 448:25 temperature [1] - 438:20 ten [11] - 421:9, 463:17, 477:2, 485:9, 485:12, 485:16, 486:12, 486:19, 513:25,</p>	<p>537:3, 599:8 ten-second [1] - 513:25 tend [1] - 402:9 Tennessee [5] - 443:19, 443:20, 450:2, 450:3, 460:9 tense [2] - 490:2, 530:24 term [8] - 452:12, 452:20, 481:23, 492:11, 516:13, 587:16, 587:17, 604:11 terminate [1] - 473:4 terms [5] - 402:24, 420:8, 447:15, 552:20, 553:16 terrible [1] - 504:5 tested [1] - 524:19 testified [40] - 424:25, 426:9, 442:24, 460:24, 482:11, 483:9, 483:18, 484:3, 496:4, 496:10, 496:12, 514:14, 514:17, 514:23, 515:8, 515:13, 516:15, 518:4, 528:18, 529:24, 532:13, 533:17, 533:18, 534:7, 536:13, 547:13, 557:21, 564:11, 564:12, 564:13, 564:15, 568:5, 571:17, 572:17, 573:14, 573:17, 584:24, 587:16, 592:22, 596:6 testify [8] - 418:16, 429:3, 447:14, 500:1, 533:10, 534:14, 568:2, 579:18 testifying [7] - 441:14, 503:4, 515:12, 526:4, 532:11, 538:5, 595:18 testimony [103] - 402:7, 414:23, 415:13, 431:2, 431:4, 433:1, 433:14, 434:4, 435:2, 443:2, 453:1, 453:14, 455:9, 456:13, 457:18, 457:22, 458:3, 458:4, 459:15,</p>	<p>462:6, 462:14, 462:16, 467:19, 469:20, 470:6, 474:21, 475:6, 475:15, 475:18, 477:17, 478:18, 479:18, 479:20, 480:4, 482:8, 482:19, 482:20, 483:9, 487:16, 492:17, 494:24, 500:18, 507:20, 511:6, 515:18, 517:8, 517:20, 519:4, 519:8, 520:9, 520:23, 521:6, 521:10, 523:10, 528:2, 530:2, 531:13, 532:4, 532:22, 533:3, 533:19, 533:25, 534:7, 534:21, 537:5, 539:1, 539:4, 539:16, 539:17, 540:1, 540:7, 540:25, 541:4, 541:13, 543:3, 546:9, 547:1, 547:11, 547:17, 556:9, 556:17, 557:2, 557:5, 557:25, 569:3, 573:19, 580:25, 582:4, 584:5, 584:8, 585:9, 585:13, 585:22, 586:6, 587:1, 587:19, 590:17, 591:10, 591:18, 597:6, 601:24, 603:6, 603:11 testing [1] - 525:14 text [2] - 426:23, 426:25 THE [160] - 402:2, 402:12, 402:17, 402:21, 403:4, 403:21, 404:1, 404:3, 404:6, 404:9, 404:13, 404:20, 405:15, 414:16, 414:19, 414:25, 415:7, 416:22, 417:1, 418:4, 418:7, 418:9, 418:11, 418:18, 418:20, 418:24, 419:3, 424:12, 424:22, 430:5, 430:8, 430:14, 436:5, 436:7, 436:9,</p>	<p>438:13, 438:17, 439:9, 439:12, 439:15, 439:18, 439:21, 439:23, 440:2, 440:5, 440:9, 440:13, 440:16, 450:10, 450:12, 453:22, 455:18, 455:22, 455:23, 455:25, 456:1, 456:3, 460:19, 460:21, 461:8, 461:23, 462:11, 462:19, 475:21, 476:3, 476:6, 476:22, 476:24, 477:14, 478:2, 478:4, 478:8, 478:12, 478:15, 478:20, 478:25, 479:10, 502:24, 503:3, 503:6, 503:8, 503:11, 511:9, 511:12, 511:20, 511:22, 514:7, 514:21, 516:7, 526:17, 528:16, 533:12, 533:15, 533:23, 534:4, 534:9, 534:12, 534:15, 534:22, 535:20, 535:24, 536:4, 536:10, 536:16, 537:2, 537:18, 539:21, 541:23, 542:2, 542:5, 542:9, 542:11, 542:15, 542:18, 542:19, 543:14, 543:16, 543:19, 543:25, 544:5, 544:8, 544:13, 544:14, 544:19, 544:22, 544:24, 545:2, 545:5, 545:8, 545:16, 564:20, 565:18, 565:19, 572:13, 576:1, 580:12, 581:20, 589:24, 590:2, 590:7, 590:12, 595:10, 596:1, 596:21, 597:1, 597:25, 599:24, 600:1, 600:2, 600:3, 600:23, 601:1, 601:8, 602:5, 602:10, 602:23, 603:21, 604:1, 604:7, 604:13</p>	<p>theirs [1] - 507:14 themselves [8] - 488:10, 490:3, 490:16, 508:1, 574:16, 584:12, 589:11, 594:10 theory [2] - 542:5, 542:6 therefore [1] - 573:21 They've [1] - 538:6 they've [2] - 442:23, 538:23 thinking [2] - 497:22, 498:19 third [6] - 543:6, 562:7, 562:16, 562:19, 582:18, 582:20 Thomas [1] - 400:13 thoroughly [1] - 461:20 thoughts [1] - 592:24 threat [52] - 471:21, 488:11, 488:13, 507:17, 507:18, 551:14, 551:22, 551:23, 552:3, 552:6, 553:4, 553:8, 553:10, 553:12, 553:13, 553:17, 553:19, 555:11, 555:19, 558:9, 560:7, 560:8, 560:16, 560:17, 560:18, 560:21, 560:22, 560:24, 560:25, 561:1, 561:4, 561:6, 561:9, 561:25, 562:10, 562:16, 562:19, 563:2, 563:3, 563:4, 563:8, 563:14, 563:15, 563:17, 563:18, 563:19, 564:1, 564:7, 566:15 threatening [3] - 472:17, 550:7, 550:13 threats [2] - 529:5, 559:1 three [19] - 402:3, 408:4, 411:22, 443:23, 448:9, 448:13, 472:10, 474:3, 474:4, 474:6, 474:9, 496:19, 537:3, 537:5, 575:14, 578:2, 578:22, 591:3 three-point [9] -</p>
---	---	--	--	---

<p>474:3, 474:4, 474:6, 474:9, 496:19, 578:2, 578:22, 591:3 throughout [2] - 449:7, 525:10 thrown [1] - 509:16 Thursday [1] - 400:12 tie [1] - 410:14 Tiffany [1] - 400:21 Timann [1] - 526:21 TIMANN [1] - 526:21 timeline [28] - 461:13, 479:6, 479:22, 480:5, 480:8, 481:18, 482:22, 483:17, 483:24, 484:19, 499:17, 513:22, 517:5, 517:9, 517:11, 517:19, 517:21, 517:23, 518:1, 518:17, 518:18, 518:20, 518:24, 519:16, 522:15, 550:21, 571:25 timelines [1] - 513:16 timing [4] - 460:16, 550:5, 550:17, 561:24 tire [15] - 464:2, 468:3, 470:25, 472:3, 472:4, 472:6, 485:24, 520:16, 520:18, 520:19, 520:22, 520:25, 522:5, 522:13, 522:20 tires [8] - 470:2, 470:20, 471:10, 471:24, 471:25, 472:1, 472:15 title [2] - 446:12, 569:24 today [15] - 402:25, 429:22, 430:1, 431:3, 432:25, 479:24, 501:15, 501:23, 513:10, 531:6, 541:19, 547:11, 570:20, 571:1, 600:18 Todd [10] - 425:6, 425:21, 429:7, 430:21, 430:24, 431:1, 431:3, 433:20, 435:12, 435:15 Todd's [1] - 430:24 together [11] - 406:21, 407:16, 409:18,</p>	<p>411:15, 424:1, 425:24, 453:14, 466:25, 495:2, 515:24, 517:12 toll [1] - 414:5 tomorrow [11] - 600:19, 601:9, 601:15, 601:23, 602:8, 602:14, 603:2, 603:14, 603:17, 604:6, 604:14 ton [1] - 448:8 took [32] - 413:4, 415:14, 427:17, 430:24, 431:7, 431:14, 431:21, 432:8, 435:21, 445:5, 446:19, 449:14, 458:18, 461:17, 461:19, 463:6, 465:21, 468:4, 489:5, 490:25, 499:7, 506:10, 513:18, 518:8, 521:3, 522:10, 548:9, 556:18, 558:12, 571:21, 581:7, 581:12 top [4] - 456:6, 526:23, 531:21, 547:5 topic [1] - 402:25 topics [6] - 441:5, 444:17, 445:9, 446:8, 446:11, 448:12 TORRES [1] - 542:13 Torres [5] - 540:5, 541:5, 542:12, 543:7, 571:24 total [7] - 444:10, 444:16, 452:22, 453:8, 481:11, 496:5 totality [14] - 445:5, 466:10, 491:14, 499:10, 499:13, 530:7, 548:21, 556:24, 565:14, 568:17, 573:23, 574:3, 574:5, 575:10 totally [1] - 403:12 touches [1] - 455:20 touching [1] - 460:10 tough [2] - 421:6, 479:4 toward [13] - 471:1, 471:15, 471:17, 471:19, 471:24,</p>	<p>473:24, 474:1, 486:16, 496:17, 511:3, 529:20, 554:16, 561:9 towards [5] - 423:10, 457:6, 563:7, 591:12, 593:12 track [1] - 529:16 traffic [30] - 445:19, 446:9, 451:22, 461:12, 480:6, 480:14, 481:9, 501:25, 502:8, 502:21, 503:13, 503:23, 506:6, 507:12, 507:23, 509:13, 513:11, 516:21, 516:25, 517:5, 517:15, 517:19, 517:21, 518:21, 518:25, 519:5, 519:7, 519:10, 519:16, 604:4 tragic [1] - 494:2 trail [4] - 480:17, 492:23, 492:24, 519:12 trailer [5] - 410:18, 416:15, 429:16, 434:17, 438:4 train [1] - 567:2 trained [1] - 510:16 trainer [1] - 523:20 trainers [2] - 446:10, 446:14 training [49] - 441:4, 445:2, 445:20, 446:14, 446:19, 447:2, 447:3, 447:5, 447:6, 447:10, 447:19, 448:3, 448:8, 448:10, 449:13, 451:10, 479:20, 483:12, 495:25, 502:12, 506:23, 506:24, 508:2, 509:10, 509:11, 523:9, 523:13, 523:16, 523:20, 523:25, 524:1, 524:16, 524:22, 551:13, 558:23, 558:24, 561:12, 561:13, 561:16, 561:18, 561:19, 561:20, 561:22, 564:6, 565:15, 567:3 Training [1] - 446:20</p>	<p>trajectory [3] - 545:14, 545:18, 575:15 transcribed [1] - 598:16 Transcript [1] - 400:25 transcript [19] - 430:12, 433:6, 436:4, 516:1, 517:13, 518:13, 531:18, 532:9, 564:23, 583:17, 590:5, 598:6, 598:10, 598:12, 598:17, 599:6, 599:7, 604:23, 605:1 transcription [2] - 400:25, 580:14 transcripts [1] - 451:15 transfer [1] - 460:5 transition [3] - 464:10, 475:13, 584:9 transitioning [2] - 482:25, 483:20 transitions [2] - 508:4, 571:8 translation [1] - 400:25 transmission [11] - 479:18, 480:6, 480:9, 480:21, 480:22, 481:7, 481:9, 481:24, 487:3, 487:6, 487:17 transmissions [5] - 461:16, 481:1, 519:17, 519:18, 519:19 transpired [10] - 404:11, 415:5, 439:7, 440:8, 463:1, 478:14, 537:1, 537:17, 545:7, 600:22 transportation [1] - 417:9 trapped [1] - 508:15 travel [4] - 481:25, 485:1, 522:9, 522:17 traveled [4] - 463:13, 463:14, 521:25, 522:6 traveling [5] - 485:9, 485:12, 485:15, 520:21, 522:24 Travis [4] - 400:17, 542:8, 542:9, 542:10 Trayvon [2] - 568:13, 568:22 tread [4] - 468:5,</p>	<p>485:20, 485:25, 520:19 treatment [1] - 481:7 tree [2] - 406:22, 441:1 treeman [1] - 554:4 trees [1] - 589:2 tremble [1] - 409:14 tremendous [2] - 451:22, 530:14 trial [25] - 402:3, 441:15, 442:24, 443:2, 455:9, 462:4, 474:21, 479:17, 479:21, 487:16, 493:6, 493:8, 500:23, 501:16, 513:10, 514:14, 515:12, 516:18, 528:18, 528:19, 529:25, 546:9, 568:12, 585:13, 602:3 Trial [1] - 400:12 triangle [1] - 504:1 tried [9] - 419:25, 422:20, 422:23, 453:13, 466:3, 507:19, 507:22, 523:11, 588:8 tries [1] - 508:5 trigger [1] - 510:20 trigonometry [1] - 461:21 trooper [1] - 593:18 trouble [2] - 418:13, 419:4 truck [2] - 417:21, 417:23 true [28] - 426:17, 429:11, 496:14, 496:22, 520:14, 526:2, 526:3, 530:11, 532:22, 546:12, 546:17, 548:15, 549:25, 550:1, 550:18, 554:13, 558:3, 559:23, 560:2, 572:20, 576:12, 576:13, 576:22, 577:3, 577:4, 577:16, 578:6, 595:23 truly [1] - 459:19 truth [5] - 490:11, 515:4, 574:25, 575:17, 594:5 truthfully [3] - 515:13, 533:22, 564:13 try [17] - 403:17,</p>
--	--	---	---	--

<p>405:17, 449:22, 455:5, 459:13, 467:6, 467:7, 467:11, 469:23, 481:19, 484:1, 503:11, 509:14, 509:15, 557:17, 573:7</p> <p>trying [30] - 410:3, 446:4, 448:7, 455:16, 461:19, 473:3, 480:20, 487:3, 489:3, 491:3, 492:15, 493:4, 494:25, 495:18, 498:2, 505:8, 509:17, 512:15, 517:2, 523:22, 529:14, 552:24, 563:22, 570:21, 570:22, 575:23, 586:16, 586:22, 586:24, 598:15</p> <p>turn [23] - 407:21, 422:11, 441:24, 442:11, 442:19, 453:20, 455:16, 474:3, 474:4, 474:6, 474:9, 476:4, 479:8, 486:23, 487:24, 492:18, 501:22, 508:23, 578:2, 578:22, 591:3</p> <p>turned [7] - 421:8, 421:9, 441:21, 471:3, 484:5, 492:25, 529:9</p> <p>turning [3] - 503:1, 563:7, 563:16</p> <p>turns [4] - 496:19, 498:2, 529:11, 563:7</p> <p>TV [3] - 416:19, 449:1, 449:3</p> <p>two [60] - 407:11, 408:17, 410:22, 415:3, 416:15, 419:15, 419:19, 419:21, 421:3, 424:4, 424:6, 425:12, 426:13, 427:5, 427:11, 428:8, 435:24, 438:2, 438:4, 443:19, 458:11, 458:16, 458:23, 459:11, 462:21, 469:19, 470:4, 472:9, 479:14, 495:14, 496:6, 496:13, 496:20,</p>	<p>497:9, 498:10, 499:6, 507:6, 534:5, 553:24, 554:4, 554:9, 563:1, 563:10, 563:11, 563:20, 565:5, 566:2, 566:11, 566:19, 566:25, 570:7, 572:21, 573:4, 576:10, 579:1, 591:5, 591:9, 601:15</p> <p>type [7] - 439:3, 441:5, 442:2, 465:14, 466:8, 486:4, 498:19</p> <p>types [3] - 468:2, 571:9, 594:9</p>	<p>439:17, 439:25, 440:12, 440:21, 450:7, 450:23, 454:1, 461:11, 462:1, 462:13, 463:3, 475:25, 476:5, 476:7, 476:20, 476:23, 478:1, 478:10, 478:19, 478:23, 479:1, 479:16, 489:7, 511:13, 512:8, 514:6, 535:7, 535:22, 544:21, 590:10, 590:14, 595:9, 595:24, 596:22, 597:3, 597:24, 599:25, 600:25, 601:6, 602:22, 603:19, 603:25</p> <p>Umina's [1] - 542:20</p> <p>Umina.....404 [1] - 401:3</p> <p>Umina.....418 [1] - 401:8</p> <p>Umina.....439 [1] - 401:13</p> <p>Umina.....416 [1] - 401:5</p> <p>Umina.....435 [1] - 401:10</p> <p>Umina.....589 [1] - 401:15</p> <p>Umina.....596 [1] - 401:17</p> <p>unarmed [4] - 529:1, 529:2, 530:9, 530:12</p> <p>unaware [1] - 430:6</p> <p>uncertain [1] - 490:2</p> <p>uncle [2] - 420:23, 437:18</p> <p>uncommon [4] - 571:5, 571:9, 577:21, 578:18</p> <p>under [21] - 406:22, 406:24, 429:21, 430:1, 431:2, 433:15, 450:18, 478:21, 489:13, 514:17, 514:23, 515:13, 524:15, 524:18, 527:1, 530:3, 533:18, 534:7, 535:15, 566:25, 605:5</p> <p>undergo [1] - 577:15</p> <p>underneath [1] - 524:22</p> <p>understood [8] -</p>	<p>404:1, 476:3, 542:19, 544:17, 548:21, 566:16, 566:17, 590:12</p> <p>unfold [1] - 481:12</p> <p>unfolded [7] - 484:23, 569:19, 570:14, 571:5, 571:11, 573:1, 575:18</p> <p>unfolding [1] - 490:2</p> <p>unfortunately [2] - 472:11, 595:4</p> <p>union [3] - 494:10, 550:4</p> <p>unit [3] - 445:19, 446:9, 446:16</p> <p>United [5] - 489:14, 564:16, 604:21, 605:3, 605:8</p> <p>UNITED [1] - 400:1</p> <p>unless [4] - 474:14, 505:2, 508:23, 538:17</p> <p>unlike [1] - 490:14</p> <p>unquote [1] - 457:3</p> <p>unreasonable [5] - 502:3, 513:13, 572:19, 573:22, 593:14</p> <p>unusual [1] - 552:23</p> <p>up [138] - 402:16, 402:22, 403:10, 404:3, 406:13, 407:4, 407:5, 407:13, 407:25, 408:8, 408:13, 408:15, 410:5, 410:14, 410:17, 411:6, 411:8, 411:14, 411:22, 412:13, 412:14, 413:24, 414:2, 417:12, 422:21, 423:23, 426:6, 426:14, 426:23, 427:1, 427:8, 427:14, 427:23, 428:2, 428:16, 431:18, 432:14, 433:17, 435:13, 435:25, 436:8, 439:16, 439:17, 439:19, 439:23, 440:14, 447:6, 454:23, 455:21, 457:13, 457:18, 459:1, 459:21, 461:21, 465:22, 466:2, 467:2, 467:12, 468:12,</p>	<p>469:4, 469:13, 469:22, 470:2, 470:15, 470:19, 471:2, 471:3, 471:4, 471:7, 472:17, 474:2, 474:13, 474:18, 475:23, 476:4, 477:24, 478:8, 480:20, 484:8, 491:10, 493:25, 495:7, 495:19, 495:22, 496:16, 496:17, 497:4, 497:5, 498:2, 498:4, 498:13, 499:23, 500:22, 504:15, 504:17, 504:20, 505:1, 505:25, 507:9, 508:9, 509:2, 509:3, 510:8, 511:19, 516:16, 520:10, 520:13, 525:2, 525:7, 527:8, 537:25, 544:20, 548:1, 553:21, 566:21, 575:9, 578:11, 582:13, 584:16, 587:24, 588:4, 588:6, 588:8, 588:25, 593:14, 594:4, 598:4, 598:6, 601:8, 602:14, 603:2, 603:23</p> <p>upper [1] - 465:22</p> <p>urgent [1] - 432:2</p> <p>usual [2] - 475:24, 600:12</p> <p>utilize [7] - 451:10, 453:18, 502:12, 506:21, 508:16, 508:20, 509:25</p> <p>utilized [2] - 474:23, 489:11</p> <p>utilizing [2] - 400:25, 509:12</p> <p>utterance [1] - 415:1</p>
				<p>V</p> <p>vaccine [4] - 601:23, 602:2, 602:4, 603:4</p> <p>validated [1] - 402:13</p> <p>validity [1] - 558:20</p> <p>value [1] - 496:22</p> <p>variable [3] - 472:8, 489:19, 518:23</p> <p>variables [3] - 491:11, 556:4, 556:5</p> <p>variety [5] - 441:5,</p>

<p>443:9, 446:8, 535:17, 587:6 veer [1] - 472:9 vegetation [1] - 505:3 vehicle [164] - 449:14, 457:1, 457:6, 457:7, 458:8, 458:20, 458:22, 458:23, 458:24, 460:2, 460:4, 460:5, 460:6, 460:10, 460:11, 463:24, 467:23, 468:1, 468:2, 468:5, 468:11, 468:21, 468:23, 469:1, 469:10, 469:12, 471:15, 471:19, 472:9, 472:17, 472:18, 472:20, 472:21, 473:1, 473:2, 473:4, 473:6, 473:12, 473:15, 473:19, 473:22, 473:23, 473:25, 474:1, 474:2, 474:12, 474:16, 474:18, 475:1, 475:3, 475:4, 475:8, 476:13, 480:16, 482:8, 482:11, 482:12, 482:18, 482:23, 482:24, 483:4, 483:8, 483:21, 484:4, 484:7, 484:11, 485:7, 486:2, 486:13, 486:16, 487:5, 489:1, 492:8, 492:9, 492:13, 492:14, 492:15, 492:16, 492:24, 504:2, 504:18, 504:25, 505:1, 505:8, 505:10, 505:18, 505:21, 505:23, 506:4, 506:7, 506:9, 506:17, 506:18, 506:22, 506:24, 506:25, 507:4, 507:19, 507:21, 507:23, 508:4, 508:8, 508:14, 508:16, 508:19, 508:20, 509:4, 509:5, 509:8, 509:12, 509:17, 509:22, 510:3, 510:8, 510:12, 510:13, 511:2, 511:4, 511:6, 511:7,</p>	<p>511:17, 511:18, 511:24, 511:25, 512:6, 512:10, 512:13, 512:21, 513:17, 513:23, 520:20, 522:8, 522:24, 547:7, 547:20, 547:21, 552:21, 554:10, 554:16, 556:19, 557:3, 557:13, 557:14, 567:11, 567:24, 578:9, 578:10, 578:13, 578:14, 581:11, 582:7, 583:4, 583:11, 586:12, 587:7, 587:11, 591:12, 592:2, 592:5, 599:1 vehicles [4] - 459:9, 507:14, 522:3, 552:24 vehicles' [1] - 498:1 verbal [4] - 447:24, 482:24, 482:25, 486:14 verdict [1] - 603:19 verified [1] - 489:5 verify [2] - 509:23, 535:8 verifying [1] - 535:12 versa [1] - 596:15 version [8] - 445:12, 499:19, 499:20, 499:23, 500:3, 591:1, 591:2, 591:23 versions [2] - 499:24, 591:5 versus [3] - 510:25, 576:15, 581:15 vice [1] - 596:15 vice-versa [1] - 596:15 video [2] - 448:5, 575:14 videos [2] - 454:6 view [2] - 506:2, 509:3 violated [2] - 488:17, 489:10 violation [1] - 488:20 violations [1] - 554:20 VIRGINIA [1] - 400:2 Virginia [24] - 400:13, 405:8, 417:11, 451:17, 516:16, 523:12, 523:16, 523:20, 523:23, 523:24, 524:1, 528:19, 528:21, 532:10, 532:12,</p>	<p>532:14, 533:4, 546:9, 547:4, 547:13, 547:19, 547:23, 604:22, 605:9 visit [3] - 409:23, 452:4, 452:7 visited [2] - 411:20, 516:15 visits [3] - 411:25, 431:11, 432:2 visual [12] - 453:11, 453:18, 454:2, 479:24, 492:9, 492:10, 492:13, 492:14, 493:3, 497:24, 547:7, 547:15 visually [2] - 469:12, 470:12 voice [3] - 503:6, 510:6, 514:20 voir [1] - 450:10 vs [12] - 402:4, 528:21, 540:5, 541:5, 542:14, 543:11, 544:11, 564:15, 564:23, 571:19, 571:24, 589:15</p>	<p>529:22, 530:2, 548:10, 549:13, 550:19, 552:3, 552:15, 552:20, 552:21, 553:16, 553:22, 554:16, 560:22, 562:11, 562:21, 567:6, 567:8, 567:16, 567:21, 567:22, 567:23, 569:4 weapons [7] - 444:19, 444:20, 445:18, 448:2, 448:15, 449:1 weekend [1] - 437:12 weeks [3] - 412:21, 416:11, 421:3 weight [1] - 535:18 welfare [1] - 429:17 well-founded [5] - 548:16, 548:19, 548:23, 549:11, 549:13 well-lit [1] - 509:21 WEST [1] - 400:2 West [24] - 400:13, 405:8, 417:10, 451:17, 516:16, 523:12, 523:16, 523:20, 523:23, 523:24, 523:25, 528:18, 528:21, 532:10, 532:11, 532:14, 533:4, 546:9, 547:4, 547:13, 547:18, 547:23, 604:22, 605:9 wet [1] - 472:6 whatsoever [1] - 408:12 wheel [5] - 471:1, 471:3, 508:23, 508:24, 588:11 wheelers [1] - 409:20 wheelhouse [1] - 442:6 wheels [3] - 458:22, 458:24 whereabouts [1] - 492:10 whereas [1] - 450:19 whiteboard [4] - 502:19, 503:4, 511:10, 587:25 whole [5] - 407:6, 436:25, 463:19, 489:16, 509:15 wide [7] - 453:7, 460:2, 464:25,</p>	<p>465:12, 497:20, 505:24 width [4] - 459:25, 464:24, 465:11, 504:22 wife [8] - 411:16, 416:1, 425:25, 441:3, 443:20, 443:23, 446:22, 446:25 Williams [3] - 542:8, 542:9, 542:10 willing [2] - 505:2, 575:24 window [10] - 454:11, 466:21, 479:22, 481:14, 487:8, 513:21, 513:25, 514:1 wise [2] - 445:7, 506:7 wish [1] - 586:18 witness [40] - 402:18, 402:25, 404:17, 415:1, 416:21, 418:13, 418:15, 418:17, 418:21, 439:10, 439:11, 440:11, 441:8, 441:20, 442:23, 447:14, 448:23, 450:8, 450:14, 450:17, 477:20, 477:22, 478:20, 478:23, 490:19, 500:1, 502:18, 511:10, 515:1, 515:11, 533:5, 533:21, 554:25, 573:7, 576:11, 590:9, 590:15, 595:5, 601:16, 601:20 WITNESS [17] - 401:2, 401:7, 401:12, 404:19, 419:2, 440:15, 455:22, 455:25, 456:3, 503:6, 503:11, 511:22, 542:9, 542:18, 544:13, 565:19, 600:2 witnessed [3] - 452:23, 589:4, 591:10 witnesses [12] - 450:20, 454:15, 467:2, 472:14, 490:15, 490:21, 495:8, 496:23, 497:14, 595:4,</p>
---	--	--	--	--

W

W-a-r-o-n-i-c-k-i [1] -

544:7

w-as [1] - 419:23

wait [4] - 420:2, 430:8,

494:8, 567:18

waited [1] - 421:3

waiting [5] - 493:11,

493:12, 493:13,

549:24, 550:11

walk [3] - 555:18,

555:20, 555:22

walking [1] - 454:23

wall [1] - 497:23

Wallace's [1] - 411:15

wampus [1] - 406:17

wants [1] - 509:19

Waronicki [2] - 544:6,

544:10

wasted [1] - 575:22

watch [2] - 416:19,

486:13

watched [1] - 507:11

watching [1] - 406:12

watermark [1] - 541:9

ways [1] - 571:13

weapon [28] - 444:18,

476:17, 483:14,

510:25, 529:9,

595:6, 600:24 witnessing ^[1] - 576:17 woman ^[1] - 433:22 wooded ^[1] - 505:3 word ^[5] - 497:16, 548:24, 549:10, 549:13, 587:12 words ^[7] - 422:20, 454:11, 465:13, 518:20, 539:15, 562:4, 588:7 worker ^[1] - 408:6 workers ^[1] - 407:24 works ^[2] - 455:24, 547:18 world ^[2] - 564:2, 564:4 write ^[2] - 410:15, 586:4 writing ^[2] - 448:12, 480:19 written ^[12] - 448:13, 451:15, 452:5, 464:18, 495:20, 525:15, 572:24, 591:20, 592:4, 597:9, 599:17 wrote ^[2] - 572:9, 585:15 WV ^[3] - 400:16, 400:19, 400:23 Wyatt ^[1] - 405:8	405:24, 406:4, 410:11, 422:5, 458:13, 459:15, 461:12, 469:19, 475:18, 476:8, 480:5, 487:16, 496:10, 496:12, 519:8, 520:12 yesterday's ^[2] - 500:17, 517:8 young ^[7] - 409:8, 410:3, 425:17, 490:18, 512:15, 524:17 younger ^[3] - 403:3, 403:6, 409:4 youngest ^[5] - 410:2, 412:18, 412:24, 413:1, 437:20 yourself ^[5] - 405:6, 414:6, 440:24, 510:10, 545:22 yourselves ^[2] - 439:1, 477:7 youths ^[1] - 524:17
Y	Z
yard ^[3] - 406:22, 409:21, 409:22 yards ^[1] - 509:15 year ^[9] - 410:11, 410:13, 411:23, 426:18, 447:3, 530:20, 538:13, 540:15, 540:16 year's ^[2] - 426:23, 427:1 years ^[25] - 405:23, 406:4, 407:11, 409:9, 409:10, 410:7, 413:21, 414:4, 415:3, 431:10, 435:24, 443:19, 444:10, 519:2, 524:8, 526:5, 531:7, 540:6, 540:21, 555:24, 558:7, 565:12, 565:16, 569:10 yelling ^[1] - 511:18 yesterday ^[17] - 402:5,	zero ^[1] - 494:15 Zimmerman ^[2] - 568:12, 568:16 Zimmerman's ^[1] - 568:22